

**TOWN OF RYE – PLANNING BOARD
MEETING**

Tuesday, June 20, 2023 – 6:00 p.m.

Rye Public Library

Members Present: Bill MacLeod, Kevin Brandon, Rob Wright, Bill Epperson, Chair
Patricia Losik, Vice-Chair JM Lord, Steve Carter, Kathryn Garcia, Steven Borne

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

I. Call to Order

Chair Losik called the meeting to order and led the Pledge of Allegiance.

II. Determination of Completeness

Chair Losik suggested a change to the order of applications.

**Motion by Bill Epperson to move agenda item E, if determined complete, to position A.
Seconded by JM Lord.**

Vote: 9-0-0 (B. MacLeod, K. Brandon, R. Wright, B. Epperson, P. Losik, J. Lord, S. Carter, K. Garcia, S. Borne)

A. Lot Line Application by Kendall Family Revocable Trust for property owned and located at 159 West Road, Tax Map 6, Lot 6 and by Peter C. Colbeth of 155 West Road, Tax Map 6, Lot 7 to relocate the common boundary line. Properties are in the Single Residence District and Aquifer & Wellhead Protection District. Case #09-2023.

The Board discussed information submitted by Attorneys Phoenix and Maher.

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

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

B. Minor 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 2-lot. The property is in the Single Residence and Aquifer & Wellhead District. Case #10-2023.

Motion by JM Lord to determine the application is complete. Seconded by Rob Wright.

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

C. Major Site Development Plan by Grail Real Estate, LLC for property at 6 Airfield Drive, Tax Map 10, Lot 15 for a community of fitness and wellness business. Property is Commercial District, Multi-Family Overlay District. Aquifer Protection Overlay and Berry's Brook Watershed. Case 11-2023.

Chair Losik discussed information and a memorandum sent to the Board from Drummond Woodsum.

Attorney John Wilson, speaking on behalf of the applicant, explained that they faced an issue with a notice of non-compliance from the Building Inspector. He explained that their staff received a memorandum from Attorney Roman regarding the site review. Attorney Wilson explained that he is not asking for site review approval, as he doesn't think he needs to be before the Board. Attorney Wilson distributed a copy of the Notice of Decision to the Board and discussed his position.

Chair Losik explained the Board's view, based on advice from Attorney Roman. She explained that the Board doesn't have enough information, particularly concerning articles 6, 10, and 11. Speaking to Attorney Wilson, she explained that the applicant either needs to comply or provide detailed waiver requests with an explanation outlining impacts to the site related to the LDRs. She also noted the need to look at impacts on lighting standards, residents, motorists, pedestrians, wildlife, safety and security, and possibly landscaping. Referencing a letter circa 2022 regarding calculations from an engineer, Chair Losik explained that Attorney Roman was clear as to not accepting jurisdiction.

Member Borne explained his concern regarding septic and loading.

Vice-Chair Lord agreed and noted there is a lot of use and traffic, which was not initially contemplated.

Member MacLeod asked if the Board is typically provided a brief presentation before determining whether an application is complete.

Member Brandon discussed the difference of view concerning what was originally approved. He explained that if the application isn't complete, it's important to provide a roadmap to what constitutes completeness.

Chair Losik explained that Attorney Roman reviewed conditional approval, highlighting the interior uses at that time, which is different than today.

Member Wright discussed the language in the original Notice of Decision regarding the change of intensification of use and noted the clause referring to the expansion of a building or construction. He observed that the applicant is stating that there is no change of use because of the building expansion or development; however, there is a change of use, and the Board doesn't know whether it's an intensification.

Selectmen's Rep. Epperson noted that it was approved for one thing, but the Board needs more clarity.

Corey Caldwell presented his case to the Board that an application isn't required to be heard.

Chair Losik explained that the Board has an application signed by Burke that was submitted as a minor, non-residential site development.

Mr. Caldwell explained that Burke got some assistance from Planning/Zoning Administrator Reed, and filed waivers to get on the agenda. He explained that it was not a requirement for exempt status activities.

Chair Losik discussed changes outlined on page five regarding new uses and proposed uses for the properties and asked if those are consistent with where Attorney Roman is coming from on a legal basis.

Mr. Caldwell explained that they can show how that was contemplated, included, and submitted. He explained that all discussed uses were considered in the original application, and the applicant would like to have an opportunity to present to the Board. He explained that he doesn't think a completeness hearing is relevant for a hearing that doesn't require an application.

Chair Losik explained that that's the basis the Board has, and to achieve exempt status the applicant must apply in writing requesting exempt status.

Mr. Caldwell explained that in 2021 they were given exempt status.

Selectmens Rep. Epperson noted that it was exempt status based on what was presented in 2021, but this is different.

Mr. Caldwell explained that their team would like to show how it's no different.

Chair Losik explained that the application should change, with an update on the septic system and matters brought up by Attorney Roman. She explained that a request for exemption is a

possibility but the Planning Board doesn't have enough current information to answer questions regarding sanitary, traffic hazards, etc.

Mr. Caldwell thanked the board for the opportunity to speak and explained his position that the application shouldn't be necessary to discuss the merits of the application.

Motion by JM Lord that the Board will not accept jurisdiction on the Major Site Development Plan by Grail Real Estate, LLC for property at 6 Airfield Drive. Seconded by Bill Epperson.

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

Chair Losik discussed the possibility of a site walk and Attorney Wilson stated he would come back as exempt.

Motion by JM Lord to continue the application for a Major Site Development Plan by Grail Real Estate, LLC for property at 6 Airfield Drive to the July 18, 2023 meeting. Seconded by Rob Wright.

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

D. Major Site Development Plan and Condominium Conversion by 665-667 Wallis Road, LLC for property located at 665-667 Wallis Road, Tax Map 16, Lot 21 for construction of a new driveway, new septic system and new second floor with stairway to be added to existing building to create a three-unit condominium. Property is in the Commercial District, Single Residence District, Aquifer & Wellhead Protection District and Berry's Brook Watershed. Case #12-2023.

Motion by JM Lord to determine the application is not complete. He expressed that the application needs to show compliance with articles 5, 6, 7, 9, 10, and 11 in the Land Development Regulations and waiver requests before the Board takes jurisdiction.

Chair Losik reminded the Board that these condo conversions are considered both major subdivisions and major site developments and discussed regulations regarding condo conversions.

Selectmens Rep. Epperson stated that the application is complete.

Vice-Chair Losik expressed that there is information missing from the application including existing conditions and site plans, test pit information, and septic field information.

Chair Losik discussed article six and natural features, the status of the trees, the septic system, buffers and screenings, exterior storage areas, and the ZBA's determination on the location of the septic. She also noted the Board's need for test pit information. She discussed the seasonal high water table, and concerns regarding mounding, flow to adjacent properties, and preservation of natural features. She also noted that, given the sensitive areas, she would like input from Dana regarding Berry's Brook Watershed.

Alex Ross, the surveyor, and engineer who prepared the plans, addressed some of the Board's questions regarding the septic system and test pits.

Chair Losik asked about the shallow bedrock conditions and the height of the field.

Mr. Ross explained that they presented that information to the ZBA to obtain the variance, and it was accepted by the state because of the septic system's pretreatment, which results in much cleaner effluent. He also noted their use of an enviro septic leach field.

Chair Losik pointed out that the town's ordinance is more stringent than the state's and asked Mr. Ross would look for a waiver on the shallow bedrock. Mr. Ross confirmed.

In response to Chair Losik's request for information regarding test pits, Mr. Ross explained that Mark Jacobs, a soil scientist, visited the site. Mr. Ross described the topography of the site.

Motion by JM Lord to not take jurisdiction over the application. Seconded by Bill Epperson.

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

Planning/Zoning Administrator Reed scheduled a site walk for Monday, June 26, 2023, at noon.

Chair Losik explained that the Board would like to bring in Attorney Maher for legal review of condo documents, Steve Harding from Sebago to look at any impacts for stormwater management, Emily DeFranco from Comprehensive Environmental for the septic review, and Dana Truslow to review the site for Berry's Brook and aquifer impacts. She explained that the Board would like to have an escrow of \$5,000. Mr. Ross agreed to the escrow.

Motion by Rob Wright to continue the application to the July 18, 2023 meeting. Seconded by JM Lord.

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

Mr. Ross and Member Carter discussed the septic system on the property.

E. Request for an extension to the April 13, 2021, approved Major Site Development Plan by Bluestone Properties of Rye, LLC for property located at 33 Sagamore Road, Tax Map 24, Lot 6 to construct a new 3,496 sf farmstead building and provide associated parking and driveways. Property serviced by the City of Portsmouth municipal water and sewer. Property in the Business District. Case #02-2021.

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

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

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

A. Request for an extension to the April 13, 2021, approved Major Site Development Plan by Bluestone Properties of Rye, LLC for property located at 33 Sagamore Road, Tax Map 24, Lot 6 to construct a new 3,496 sf farmstead building and provide associated parking and driveways. Property serviced by the City of Portsmouth municipal water and sewer. Property in the Business District. Case #02-2021.

Eric Weinrieb of Altus Engineering introduced himself and **Mike Labrie** and presented their request. He corrected the notice, explaining that the area of the building is 4,952 square feet and the area of the barn structure is 3,496 square feet. Referring to the plans, Mr. Weinrieb pointed out the wetland buffer, for which relief has been granted, and gave an overview of the site plan.

Member Carter asked about staff parking once the area is built out.

Mr. Labrie described the sidewalk system that will connect all three properties and the non-operating cafe. He explained that between the three properties, there will be ample parking and it's a matter of management and programming.

Member Carter expressed his concerns regarding crosswalk safety, noting the crossing's proximity to the roundabout.

Member Wright and Chief Walsh discussed the current signage surrounding the crosswalk and the possibility of a speed bump. Lighting and tree removal were also discussed as means for better visibility.

Chair Losik opened to the public at 7:00 p.m.

Chief Walsh commented that the improvements discussed by Mr. Labrie and Mr. Weinrieb will be a good solution.

In response to a question from the public, Mr. Labrie explained that the proposed farmstead is replacing the Nathaniel Foye Farmstead, which existed on that property in the 19th century. It will provide a teaching kitchen and a place to teach sustainability, herbalism, and foraging in the style of a typical, connected New England farmhouse.

Motion by Bill Epperson to grant the extension for the Major Site Development Plan by Bluestone Properties of Rye, LLC for property located at 33 Sagamore Road, Tax Map 24 to October 13, 2024. Seconded by JM Lord.

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

B. Lot Line Application by Kendall Family Revocable Trust for property owned and located at 159 West Road, Tax Map 6, Lot 6 and by Peter C. Colbeth of 155 West Road, Tax Map 6, Lot 7 to relocate the common boundary line. Properties are in the Single Residence District and Aquifer & Wellhead Protection District. Case #09-2023.

Chair Losik explained that the Board received a legal notice from Attorney Phoenix today, which was confirmed by the town attorney. Chair Losik read the correspondence from Attorney Maher for the Board, which described the reasons a variance is not required for this application.

Bruce Scammon of James Verra and Associates, representing the applicant, presented a survey to the Board.

Member Carter asked if anything new is being built on the property. Mr. Scamman explained that there is no new construction and that it's all existing.

Member Wright asked why the property owners are seeking this change now.

Mr. Scamman explained that the lot was surveyed and found to be in error. Mr. Kendall is trying to rectify that error.

Peter Kendall, the owner of the blue lot, explained that when he purchased the property 30 years ago, nobody cared that the arm was on his neighbor's property.

Member Wright asked if there was any claim of adverse possession. Mr. Kendall explained no, they just want to make it right.

Selectmens Rep. Epperson asked if the yellow lot has changed hands recently. Mr. Kendall explained no, that Mr. Colbeth couldn't be here tonight, but he agrees with it all.

Chair Losik opened to the public. Hearing no comments, the public session was closed at 7:10 p.m.

**Motion by JM Lord to approve the waiver request from Article III, §202-3.1(2)(17).
Seconded by Bill Epperson.**

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

**Motion by JM Lord to approve the Lot Line Application by Kendall Family Revocable Trust for property owned and located at 159 West Road, Tax Map 6, Lot 6 and by Peter C. Colbeth of 155 West Road, Tax Map 6, Lot 7 to relocate the common boundary line.
Seconded by Steve Carter.**

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

C. Minor 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 2 lots. The property is in the Single Residence and Aquifer & Wellhead District. Case #10-2023.

Paige Libbey of Jones and Beach Engineers presented an updated application, acknowledging that she'd been before the board previously for a 3-lot subdivision. She clarified that the application is now for a two-lot subdivision after going before the ZBA for a variance for frontage on the back of the lot, which they received. Ms. Libbey described the lot and explained that the applicant was able to meet with abutters to discuss voluntary buffers and setbacks, which are shown on the plan. She distributed colored plans to the board, reviewed several requested waivers, and answered Member Wright's question that they were granted a variance for 100' feet of frontage where 200' is required.

In response to Member Carter's question, Ms. Libbey explained that they are required to do two test pits in the designated septic area. She discussed the test pits, voluntary buffers, and the 90' setback for the house, with the buffer as a clearing limit.

Mr. Fast described the no-cut buffer.

The Board discussed the house's placement in the Aquifer and Wellhead Protection District. Chair Losik noted that the limit is 40,000 square feet and regulations allow a disturbance of 50,000 square feet before it requires a hydro study. Chair Losik suggested considering a condition of approval so it doesn't trigger a hydro study and conditional use permit.

The Board discussed the denitrifying septic system and reporting and maintenance requirements.

Ms. Libbey clarified that the septic design meets all zoning criteria.

Chair Losik and Ms. Libbey discussed drainage conditions and Aquifer and Wellhead Protection District requirements.

Ms. Libbey explained that the temporary catch basin is a holdover from the previous design and that any irrigation would have to conform with Appendix G.

Chair Losik discussed the landscape plan and irrigation system.

Chair Losik opened to the public at 7:28 p.m.

Joe Cummins of 990 Washington Road expressed his concern about safety regarding the proposed driveway on the lot.

Chair Losik explained that the location of the driveway was approved by the Zoning Board. Speaking to Ms. Libbey and referencing the driveway regulations, Chair Losik asked for clarification regarding a turnaround.

Ms. Libbey stated that they can check in with the Fire Chief and make any necessary amendments. Ms. Libbey also commented that the driveway is at the highest point of Washington Road, which is the safest location. The Board discussed the driveway location.

Motion by JM Lord to continue the application for Minor 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 July 18, 2023 meeting. Seconded by Steve Carter.

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

The Board decided to review the requested waivers at the July meeting.

IV. New Business:

A. Voluntary Lot Merger by Ocean Mustang Trust and Viking Realty Trust for property located at 1264 Ocean Blvd, Tax Map 17.3, Lots 55 & 57.

Patrick Niceton from SAI Builders, representing the applicant, presented the application to the Board. He explained that each of the properties has a cottage on it currently. He explained the plan to remove those structures and replace them with one structure. He explained that the current lot has a shared septic system with the abutter and the new lot would have its state-of-the-art system. He explained that the owners will relinquish a driveway easement for the abutter and will relocate a pedestrian easement creating more privacy for all occupants. He added that the merger is only to become effective with the issuance of a building permit and they still need to go before the ZBA.

Chair Losik referenced Attorney Maher's feedback regarding the property locations. She explained that the Planning Board can't approve something that violates zoning. She discussed the application's violations and ineligibility.

Mr. Niceton discussed their process and explained that barring any issues, they anticipate breaking ground in mid to late fall. He requested that the Board consider granting conditional approval.

Chair Losik, referencing merger regulations explained that the Planning Board isn't in a position to create an approval subject to conditions.

Member Wright pointed out to the applicant that if they were to get the necessary approvals on the front end, the Planning Board wouldn't be able to deny the request.

Chair Losik stated that the Board notifies all abutters and they are given a chance to be heard, according to LDRs.

Planning/Zoning Administrator Reed explained that this application was not legally noticed as it was listed under "new" on the agenda. She explained that this is not a lot line adjustment and, based on Attorney Maher's feedback, the applicant does not meet the criteria for a voluntary merger.

In response to the applicant's request, Chair Losik explained that this is an issue with RSA 674:39-aIII.

Member MacLeod suggested that the applicant include a request to the ZBA to have two lots on one parcel temporarily.

Noting that the applicant will not demolish the houses without a building permit, Mr. Niceton asked why conditional approval could not be granted.

The Board discussed and explained that state law dictates the Board can't approve a merger that would create a violation of then-current ordinances or regulations.

Planning/Zoning Administrator Reed explained that she sent a letter to Ms. Miller on 6/7/23 stating that she had questions regarding the merger. She explained to Mr. Niceton that she could have addressed these issues before the meeting.

Mr. Niceton apologized and explained that the lack of response was inadvertent.

Planning/Zoning Administrator Reed pointed out that Chair Losik and Member Macleod have made it clear that the Board can't approve something that does not meet zoning.

Mr. Niceton asked if they could request an extension.

Planning/Zoning Administrator Reed explained that lot line adjustments aren't on the agenda for public hearings. She advised Mr. Niceton on how to proceed when ready.

Chair Losik referenced LDR202-6.1A which states that the Planning Board cannot approve a request that does meet zoning criteria.

Mr. Niceton stated that they'll take a closer look at those requirements and come back when ready.

Member Borne asked for clarification of the applicant's process in moving forward.

Motion by JM Lord to deny the Voluntary Lot Merger by Ocean Mustang Trust and Viking Realty Trust for property located at 1264 Ocean Blvd, Tax Map 17.3, Lots 55 & 57. Seconded by Bill Epperson.

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

B. Conceptual Consultation by Edward Benway for property owned by Afters Property Management located at 14 Sagamore Road, Tax Map 24, Lot 74 to remove existing buildings and replace with office buildings with rental units above.

Cory Caldwell of TF Moran presented the conceptual plans to the board, noting a small, isolated wetland on the property. He summarized the history of the property and the septic system, which was installed around 1960. He explained that there was contamination on the site years ago, but DES records show that that contamination has been rectified. He explained their proposal to

entirely remove the 1940s-era building and construct a new, mixed-use building containing office space and residential apartments. He discussed the improvements this proposal would have on the property including a reduction of impervious coverage and improved stormwater management. He acknowledged that variances would be needed for this proposal as it would include residential units in a commercial zone; however, he expressed that the structure is well suited to the lot. He also acknowledged the need for a variance due to the wetland buffer.

Mr. Caldwell introduced **Brian Rodonets** of Coastal Architecture, who prepared a conceptual plan which was distributed to the board. He also introduced **Ed Benway**, who would like to purchase the property. Mr. Caldwell discussed the conceptual plan with the Board.

Selectmens Rep. Epperson asked if a drive-under garage is included in the plan. Mr. Rodonets explained that there is no garage in the plan, but that on-site parking would be included.

Selectmens Rep. Epperson asked if Concept B would present a visual problem for the residential areas to the east as opposed to Concept A.

Mr. Caldwell explained that there is less of a buffer on Concept B than on Concept A, but noted that the area would remain wooded.

Member Carter asked if all of the proposed parking is needed, noting the amount of pavement.

Mr. Caldwell discussed the parking requirements for professional office and residential units. He explained that they didn't want to seek a variance for parking.

Selectmens Rep. Epperson discussed the property's impervious area.

Member Wright asked if elevations are included in Concept A as well. Mr. Caldwell explained that elevations are only included in Concept B.

Mr. Caldwell summarized that they're looking for the Board's feedback, the applicant is trying to improve the site, and some type of residential component was necessary.

The Board clarified that Portsmouth's sewer does reach the property.

Member Wright asked if the applicant has spoken with abutters.

Mr. Caldwell explained that they haven't spoken with the abutters yet, they wanted to come before the Planning Board first, and their next step is to engage the abutters.

Planning/Zoning Administrator Reed asked if both Concepts A and B would require relief for the wetlands.

Mr. Caldwell explained that they would need a variance for either plan, but Concept B would be a little less intense.

Chair Losik asked if they are considering a height variance. Mr. Caldwell explained that they would not need a height variance.

Mr. Rodonets explained the design, describing it as "Quintessential New England"

Member Garcia asked how many bedrooms would be included in the proposed nine units.

Mr. Rodonets explained that each unit would be a one-bedroom rental.

Member Garcia asked about the inclusion of play areas, passive recreation areas, or a sidewalk.

Mr. Rodonets explained that there is plenty of space on the property for a sidewalk, commons area, or patio. He also commented that there's a lot of opportunity for pathways in the wetland, but they wouldn't want to develop too much into the wetland.

Member Wright asked if their preference is to use Concept A and accept B if necessary.

Mr. Benway explained that Concept A is better, aesthetically speaking, and it's sited farther away from wetlands.

Chair Losik discussed nearby recreation areas and sidewalks.

Mr. Borne commented that the property is a landmark and a heavily-trafficked bike area. He noted that the inclusion of a sidewalk might keep it safer for bikers.

In response to Chair Losik's question, Mr. Caldwell explained that there would be minimal tree cutting and retaining walls would not exceed three feet.

Mr. Caldwell discussed an environmental assessment dated 2005 and read aloud a letter from DES to the property owner at that time. He reported that the property was deemed clean in 2005 by New Hampshire DES.

Selectmens Rep. Epperson commented that regulations have likely changed since 2005. He recommended getting the statement recertified.

Chair Losik noted that a site analysis needs an environmental engineer's stamped approval.

The Board discussed the conceptual plans and the plan moving forward.

Member Borne asked when the applicant would need to speak with the RCC regarding the wetlands.

Planning/Zoning Administrator Reed explained that the applicant would approach the ZBA and RCC simultaneously. She explained that the RCC will participate in site walks with the Planning Board.

Chair Losik and Mr. Caldwell discussed the gravel on the property and the threshold for impervious surfaces.

**C. Administrative Decision on 15 Sagamore Road insurance bond/reclamation work.
Change to NOD.**

Mike Gerrapy of 15 Sagamore Road distributed copies of correspondence between the insurance agent issuing the bond and Attorney Maher. He explained that the amended Notice of Decision language allows them to put the demolition and restoration bond in place but is tied to a second performance bond. Because of this, the insurance company is hesitant to put forth an insurance bond with no expiration.

He discussed an email from Attorney Maher, who reviewed concerns regarding the structure of the bond. Mr. Gerrapy explained that Attorney Maher suggested changes that make a lot of sense and with very simple language, a clarification would allow them to issue the first insurance bond, which could be released upon completion of the renovation or when the applicant provides a performance bond for the entire project or by April 2025. Mr. Gerrapy explained that this language is new and reflects what Attorney Maher had suggested.

Member Macleod asked where the bond figure comes from.

Mr. Gerrapy explained that it came from their engineer and was approved by Steve Harding. It includes the demolition of the building and restoration of impacted areas.

Member Macleod commented that he felt that the number was high.

The Board discussed the bond and permitting of demolition.

Mr. Gerrapy explained that he's not objecting to the number, but the insurance company needs assurance that the bond will be released.

Chair Losik asked if it was approved by the town engineer with no specific demolition plan.

Mr. Gerrapy explained that there's a demolition permit and discussed the plan for site cleanup.

Chair Losik and Mr. Gerrapy discussed Attorney Maher's suggestions for the bond language.

Motion by Chair Losik that the applicant is in agreement that "demolition and stabilization" means demolition, clean up of debris, regrading inclusive of filling in foundation, septic, and/or other holes and consistent with §190-5.7, Storm Management, and revegetating the site to stabilize the soils which may include resodding. Further, amend condition 13a to add the language "upon completion of demolition and site stabilization is approved by the town engineer or upon the applicant and/or developer providing the town with the performance bond and/or other surety required by condition 13 or by April 3, 2025, whichever occurs first". Subject to town Attorney Maher's review and approval. Seconded by JM Lord.

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

Mr. Gerrapy clarified that when the insurance bond is in place, that satisfies the final condition preceding getting things signed and recorded.

Chair Losik confirmed.

D. Kook's Café liquor license.

Planning/Zoning Administrator Reed provided the Board with a Notice Of Decision from March 10, 2020.

Chair Losik summarized the history of Ms. Nagle's requests for and granting of approval of indoor seating and change of use with conditions. She explained that there was an April 2020 site walk and the Board gave unanimous approval with conditions, which Chair Losik read aloud.

Chair Losik explained that a question came before the board regarding licensing the sale of alcohol. She shared Attorney Maher's guidance regarding the License application.

Ms. Nagle distributed copies of her application packet and reported that she employs Member Brandon's daughters.

Member Brandon explained that he does not feel as though he needs to recuse himself.

Planning/Zoning Administrator Reed clarified that Attorney Maher's guidance was provided to the Board and labeled "confidential".

Ms. Nagle explained that she is looking to extend the patio service at Kooks. She explained that she'd contacted the state to ask for clarification regarding liquor service in the event of an expansion; through that process, she discovered the need for a letter of approval from the town. She explained that Chief Walsh questioned her ability to serve alcohol outdoors in general. She explained that she is requesting a letter to the state to approve outdoor seating and the sale of alcohol within an enclosed outdoor area, including a new area.

In response to Member Carter's question, Ms. Nagle clarified that the patio area would not add any additional seats to the total number.

Ms. Nagle explained that she was notified by Chief Walsh that, despite providing all necessary documents and successfully receiving a state liquor license each year, a letter of approval from the town was never included in the original 2020 application.

The Board discussed the requested letter and determined that the Board has never issued such a letter to any business.

Chief Walsh explained that the Police Department has to write a letter of approval for seasonal businesses or businesses holding temporary, weekend functions with different vendors, such as the Seacoast Science Center. In response to Member Wright's question, he confirmed that because this is a seasonal liquor license, it requires a level of assurance that doesn't apply to year-round liquor licenses.

Speaking to Chief Walsh, Member Wright asked if he has any objection to writing such a letter for Ms. Nagle's business. Chief Walsh responded that he doesn't know what her plan is.

The Board discussed liquor licensing expectations at similar businesses in town.

Chief Walsh stated that he will call Lieutenant Williams and communicate his findings to Planning/Zoning Administrator Reed.

Selectmen's Rep. Epperson invited Ms. Nagle to explain her plan in detail.

Ms. Nagle explained that she will maintain the existing 34 outdoor seats and continue serving with a full liquor license, as she has for the past four summers. She explained that the only change would be a rearrangement of the outdoor space to allow for people to play yard games in a patch of grass or sit at a picnic table. She explained that the grass area would be sequestered. She has spoken with the fire department about roping it off and she has spoken with the state liquor inspector as well.

In response to Member Wright and Selectmen Rep. Epperson's questions, Ms. Nagle explained that there is no prohibition to moving around with a drink, but there is a prohibition to taking it off the premises.

The Board discussed the proposed plan for a grass patch and rock area.

Ms. Nagle explained that when she contacted the state they required an updated permit of assembly.

Member Wright asked if the changed permit of assembly grants a higher number of bodies.

Ms. Nagle explained that yes, it would, but there would be no additional seating.

Chief Walsh, referring to the March 2020 Notice of Decision, discussed his questions and concerns regarding liquor licensing, seating, septic, porta-potties, a food truck, and parking.

Ms. Nagle discussed the seating area, the proposed limited standing area, and the business' food-to-alcohol sales ratio.

Chief Walsh stated that Lieutenant Williams explained the issued liquor license is only for indoor service.

Referring to the April 14, 2020 Notice of Decision, Chair Losik discussed how the Planning Board derived its conditions regarding the liquor license.

Ms. Nagle explained her conversations with Lieutenant Williams regarding her liquor license, which has been renewed each year without issue. Through those conversations, it was determined that a seasonal versus year-round license does not make a difference, and no documents could be found requesting this letter in 2020. She explained that she was not missing anything from the 2020 application. She added that Chief Walsh contacted the state to say the liquor license was not approved, which was how it was known; every other year it has been approved without issue. She added that she would never have applied for an extension if it were to jeopardize her outdoor service.

Chief Walsh explained his concerns about the grass patch.

Vice-Chair Lord stated that Ms. Nagle is not increasing the number of people on the property, so the discussion of the septic system should be taken off the table.

Ms. Nagle explained that the number of allowed patrons would be capped by the number of tables and seats.

The Board discussed year-round versus seasonal liquor licensing.

Chief Walsh explained that Lieutenant Williams stated that Ms. Nagle is expanding her liquor license and the town needs to know. He added that Attorney Maher agrees that it's an expansion of her business.

Chair Losik asked Planning/Zoning Administrator Reed if there was another email from Attorney Maher included in the packet documenting his statement. Planning/Zoning Administrator Reed explained that the Board has Attorney Maher's statement in their packet. Chief Walsh explained that there wasn't a separate email, he was just going by what Attorney Maher told him.

The board determined that Ms. Nagle's plan is an expansion of the physical area, but not an expansion of the number of permitted people: 25 people are permitted indoors, and 34 are permitted outdoors.

The Board discussed the Fire Department's assessment that the business could safely accommodate 105 people. Ms. Nagle clarified that she has no intention to expand the number of seats beyond what's there currently.

The Board discussed communications with Attorney Maher regarding the change of use.

In response to Selectmen's Rep. Epperson, Ms. Nagle explained that the grassy patch is 12' by 30'.

Chief Walsh stated that the size of the patch doesn't matter because there's an expansion of the liquor license.

Member Macleod noted that the purpose is Ms. Nagle's request for a letter of approval for 25 indoor seats and 34 outdoor seats. He asked if the Board could send that letter. He discussed the Fire Department's assessment and noted that the area will expand, not the number of people, and pointed out that there doesn't seem to be any problem.

The board discussed the original notice of decision, which states that Ms. Nagle's business could operate between the hours of 7:00 a.m. and 7:00 p.m.

In response to Member Carter's comments and Chief Walsh's concerns about the picnic tables, Ms. Nagle clarified that she has plans for enclosing the picnic table area and providing table service, should she be granted liquor license approval for that area.

Referencing the April 14, 2020 Notice of Decision, Planning/Zoning Administrator Reed clarified that the application states the food truck is parked outside the cafe and the hours of 7:00 to 7:00 seems to apply to the food truck.

The board discussed the March 10, 2020 Notice of Decision.

Planning/Zoning Administrator Reed asked the Board to guide the applicant, should she like to change the hours of her business.

The Board discussed the applicant's process moving forward.

The Board discussed providing a letter of approval. Chair Losike expressed that it would have to be consistent and the Board would need to frame it around 1-3.

In response to Member Macleod and Selectmen's Rep. Epperson, Ms. Nagle explained that she currently has a liquor license from the state, which has not contacted her about an indoor-only license.

Chief Walsh stated that the license is supposed to be for indoor service and that the state is supposed to contact her, and Lieutenant Williams says that it's an expansion of a liquor license.

Ms. Nagle explained that the state calls it a “request for authorization for service to another area”.

Board explained that the number of permitted seats, per May 9, 2023, is 25 indoor and 34 outdoor seats.

Chief Walsh offered to write a letter to the liquor commission for 25 indoor seats and 34 outdoor seats with a fenced-in area in the front and the rear and send it to Attorney Black and Planning/Zoning Administrator Reed. He clarified that if Ms. Nagle wants to change her hours of business, she needs to apply to the Planning Board.

The Board discussed the process to change business hours considering the criteria for exempt language and use intensification.

Ms. Nagle explained that her business is typically open from 8:00 a.m. until 8:00 p.m., and the bar closes at 9:00 p.m.

The Board discussed the following language for a letter of approval:

To Whom It May Concern,

The Planning Board has found that the proposed location of Kooks Cafe located at 1191 Ocean Boulevard, Rye, NH is appropriate for the sale of alcohol; the nature of the business is appropriate for the neighborhood; and there are similar businesses in the neighborhood.

The Planning Board recognizes that a Place of Assembly permit has been issued by the Rye Fire Department for this location; however, the Planning Board has limited seating to 25 indoor seats and 34 outdoor seats within a fenced-in area.

The Board agreed that Chief Walsh will send the letter of approval to the Liquor Commission, Attorney Black, and Planning/Zoning Administrator Reed. He stated that he would get an answer from the Liquor Commission as to what Ms. Nagle’s current license permits.

Chair Losik stated that Alternate Member Steven Borne would be seated for Member Garcia.

Motion by JM Lord to approve the letter as written. Seconded by Rob Wright.

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

E. Vote on Phase II of the NHHOP Grant

Motion by Patricia Losik: As the Planning Board has applied for NHHOP Phase Two Grant/Regulatory Audit in the amount of \$26,250 and RPC submitted a proposal and was awarded a Phase One NHHOP contract of \$15,700 and RPC developed the 2023 Regional Housing Needs Assessment and RPC is part of the collaborative Master Plan and Build

Out Analysis team and RPC has had a long and productive history with Rye, the Planning Board requests a waiver for obtaining quotes or bids from planning services in excess of \$5,000 with respect to the NHHOP Phase Two Regulatory Audit Grant on behalf of the Rye Planning Board. The awarded grant will be signed by the T.A. Seconded by Rob Wright.

Planning/Zoning Administrator Reed clarified that this is to the Select Board.

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

V. Old Business:

A. NHHOP Needs Assessment Survey

Member Wright updated the board on the NHHOP Needs Assessment Survey and provided copies of a flier to be distributed at the town Independence Day celebration. He discussed the purpose of the survey and encouraged Planning Board members to spread the word.

B. Master Plan and Build Out updates

Member Wright explained that the Master Plan Steering Committee has met once with the consortium and has another meeting scheduled to discuss their plan moving forward.

Chair Losik reported that the consultants are taking an organized approach and that people will soon see and hear about any relevant reports. She shared confirmation that they will be on budget and that the collaborative group has a strong science background and will work terrifically together.

Planning/Zoning Administrator Reed explained that she'd like to invite the Hampton Planner, who was given the Plan of the Year Award, to the Master Plan Steering Committee to discuss his process.

Member Wright expressed that he appreciates the use of map data along with the natural resource inventory to create a GIS map to show build-out analysis; he explained that it's a continuation of work that's already been initiated.

The Board discussed the possibility of sharing the Master Plan and Build Out updates at Rye Day in August.

VI. Minutes and Escrows

A. May meeting minutes

Planning/Zoning Administrator Reed agreed to attach a letter from the RCC regarding 5 Whitehorse Drive to the May meeting minutes.

Minutes - May 16, 2023

- Correction to page eight: "Member MacLeod noted that If she may want to keep a porta potty on site"
- Correction to page eighteen: "Motion by JM Lord to untable the Rules of Procedure"

Motion by JM Lord to approve the May 16, 2023 minutes as amended. Seconded by Rob Wright.

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

B. Escrows for May-June

Motion by JM Lord to pay the following escrows:

- For 15 Sagamore in the amount of \$180.00 to Donohoe, Tucker, and Ciandella
- For 850 Washington Road in the amount of \$770.00 to Dana Truslow
- For Housing Partnership on Airfield Road in the amount of \$1,310.45 to Sebago

Seconded by Rob Wright.

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

VII. Communication

A. The Housing Partnership Tech Review update

JM Lord shared that Steve Harding distributed a copy of the Housing Partnership Tech Review to the Board.

Chair Losik explained that Planning/Zoning Administrator Reed shared a link to the Board of Selectmen's June 12, 2023 meeting regarding Parson's Creek and encouraged the Planning Board to view the meeting.

Motion by JM Lord to adjourn at 10:23 p.m. Seconded by Rob Wright

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

Respectfully Submitted,
Emilie Durgin

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Ocean Mustang Trust, Donna Miller, Trustee
1264 Ocean Blvd, Tax Map 17.3, Lot 55

Applicant/Owner: Viking Realty Trust, Donna Miller Trustee
Addresses: 1266 Ocean Blvd, Tax Map 17.3, Lot 57.


Request: Voluntary Lot Merger by Ocean Mustang Trust and Viking Realty Trust for property located at 1264 Ocean Blvd, Tax Map 17.3, Lots 55 & 57.

Date of Decision: Tuesday June 20, 2023

Decision: Findings of fact:
RZO §190-2.2 per Single Residence and General Residence districts: there shall be no more than one principal building on one lot, and,
RSA 674:30-a, III, which states that no merger shall be approved that would create a violation of then current ordinances or regulations.

The Board voted unanimously to not accept the merger because in the Single Residence and General Residence districts there shall be no more than one principal building on one lot, and no merger shall be approved that would create a violation of then current ordinances or regulations.

6/22/23
Date


Patricia Losik, Chairman
Rye Planning Board

PLANNING BOARD

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/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 and amended on 4/3/2023 for the Major Subdivision, Multifamily Residential Site Development Plan and Special Use Permit by The Sagamore Group, LLC for property owned and located at 15 Sagamore Road, Tax Map 24, Lot 22 to construct three single-family condominium dwellings on the back of the lot and two commercial buildings on the front of the lot. Property is in the Single Residence and Commercial District. Case #10-2022.

Date of decision:

June 20, 2023

Decision:

The Board unanimously approved: The applicant is in agreement that demolition and stabilization means: demolition, clean-up of debris, regrading inclusive of filling in foundation, septic, and/or other holes, consistent with RZO §190-5.7 Stormwater Management, and revegetating the site to stabilize the soils which may include re-sodding.

Amend Condition 13-A as stated below with new language italicized and in bold:

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 to 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 of the Property. This restoration bond shall be released *upon completion of demolition and site stabilization as approved by the town engineer or upon the Applicant and/or Developer providing the Town with the performance bond and/or other surety required by Condition 13 or by April 3, 2025, whichever comes first.*

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.

6/22/23
Date

Patricia Losik
Patricia Losik, Chairman
Rye Planning Board

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: 665-667 Wallis Road, LLC

Addresses: 665-667 Wallis Road, Tax Map 16, Lot 21
Property is in the Commercial District, Single Residence District,
Aquifer & Wellhead Protection District and Berry's Brook
Watershed

Request: Major Site Development Plan and Condominium Conversion by
665-667 Wallis Road, LLC for property located at 665-667 Wallis
Road, Tax Map 16, Lot 21 for construction of a new driveway,
new septic system and new second floor with stairway to be added
to existing building to create a three-unit condominium. Property
is in the Commercial District, Single Residence District, Aquifer &
Wellhead Protection District and Berry's Brook Watershed. Case
#12-2023

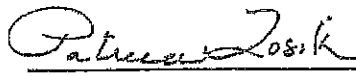
Date of Decision: Tuesday June 20, 2023

Decision: The Board voted unanimously to not accept jurisdiction of the
application and deemed it to be incomplete as it requires
additional information to determine compliance with Articles
VI, VII, IX, X, and XI or detailed waiver requests with
explanations for all applicable sections and why waivers should
be granted.

The Board voted to have a site walk on Monday, June 26, 2023
at 12:00pm (noon). The Board also voted to have applicant
supply the Board with funds in the amount of \$5,000 to hire
peer consultants:

1. Attorney Eric Maher for legal peer review.
2. Steve Harding, Sebago for engineering peer review.
3. Emily DiFranco for peer review on the septic system.
3. Danna Truslow for peer review on the Aquifer and
Berry's Brook.

6/22/23
Date


Patricia Losik, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Grail Real Estate, LLC

Addresses: 6 Airfield Drive, Tax Map 10, Lot 15
Property is Commercial District, Multi-Family Overlay District. Aquifer Protection Overlay and Berry's Brook Watershed

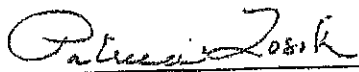
Request: Major Site Development Plan by Grail Real Estate, LLC for property at 6 Airfield Drive, Tax Map 10, Lot 15 for a community of fitness and wellness business. Property is Commercial District, Multi-Family Overlay District. Aquifer Protection Overlay and Berry's Brook Watershed. Case 11-2023.

Date of Decision: Tuesday June 20, 2023

Decision: The Board voted unanimously to not accept jurisdiction of the application and deemed it to be incomplete as a complete application requires either (1) submissions as required by Articles VI, X and XI of the LDRs or (2) detailed waiver requests, explanations outlining each use and their impacts on the site as related to the LDRs, and why the waivers should be granted, addressing:

- Customer base: members only or general public
- Hours of operation per use
- Customers per day per use
- Traffic changes due to additional uses including parking, circulation, loading, and pedestrian safety
- Septic system capacity and utilization
- Overall impacts, including:
 - Lighting standards – impacts to residents, motorists, pedestrians, nocturnal wildlife, and safety and security, and
 - Landscaping standards.

6/22/23
Date


Patricia Losik, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Kendall Family Revocable Trust
Peter C. Colbeth

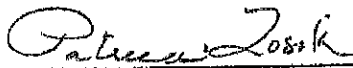
Addresses: 159 West Road, Tax Map 6, Lot 6
155 West Road, Tax Map 6, Lot 7
Properties are in the Single Residence District and Aquifer & Wellhead Protection District.

Request: Lot Line Application by Kendall Family Revocable Trust for property owned and located at 159 West Road, Tax Map 6, Lot 6 and by Peter C. Colbeth of 155 West Road, Tax Map 6, Lot 7 to relocate the common boundary line. Properties are in the Single Residence District and Aquifer & Wellhead Protection District. Case #09-2023.

Date of Decision: Tuesday June 20, 2023

Decision: The Board voted unanimously to grant acceptance of the application as complete and voted to grant the Lot Line Adjustment.

6/22/23
Date



Patricia Losik, Chairman
Rye Planning Board

RYE PLANNING BOARD

10 Central Road Rye, NH 03879 (603) 964-9800

Notice of Decision

Applicant/Owner: Bluestone Properties of Rye, LLC

Addresses: 33 Sagamore Road, Tax Map 24, Lot 6
Property in the Business District.

Request: Request for an extension to the April 13, 2021, approved Major Site Development Plan by Bluestone Properties of Rye, LLC for property located at 33 Sagamore Road, Tax Map 24, Lot 6 to construct a new 3,496 sf farmstead building and provide associated parking and driveways. Property serviced by the City of Portsmouth municipal water and sewer. Property in the Business District. Case #02-2021.

Date of Decision: Tuesday June 20, 2023

Decision: The Board voted unanimously to grant acceptance of the application as complete and voted to grant the extension to October 13, 2024.

6/22/23
Date



Patricia Losik, 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

Location: 1191 Ocean Blvd, Tax Map 17.3, Lot 30
Business District, Coastal Overlay District, SFHA Zone AE (9)

Request: Liquor License

Date of Decision: Tuesday June 20, 2023

Decision:

The Board found that the proposed location of the business is appropriate for the sale of alcohol, that the nature of the business is appropriate for the neighborhood, and that there are similar businesses in the neighborhood.

A place of assembly permit has been issued by the Rye Fire Department for this location (see attached permit, dated 6/6/2023); however, the Planning Board has limited outdoor seating to 34 seats within a fenced in area and indoor seating to 25 seats.

6/23/22
Date



Patricia Losik, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Marlene Veloso & Charles Fast


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

Request: Minor 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 2-lot. The property is in the Single Residence and Aquifer & Wellhead District. Case #10-2023.

Date of Decision: Tuesday June 20, 2023

Decision: The Board voted unanimously to grant acceptance of the application as complete and voted to continue the application to the July 18, 2023 meeting.

6/22/23
Date



Patricia Losik, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Kendall Family Revocable Trust
Peter C. Colbeth

Addresses: 159 West Road, Tax Map 6, Lot 6
155 West Road, Tax Map 6, Lot 7
Properties are in the Single Residence District and Aquifer & Wellhead Protection District.

Request: Lot Line Application by Kendall Family Revocable Trust for property owned and located at 159 West Road, Tax Map 6, Lot 6 and by Peter C. Colbeth of 155 West Road, Tax Map 6, Lot 7 to relocate the common boundary line. Properties are in the Single Residence District and Aquifer & Wellhead Protection District. Case #09-2023.

Date of Decision: Tuesday June 20, 2023

Decision: The Board voted unanimously to grant acceptance of the application as complete and voted to grant the Lot Line Adjustment.

6/22/23
Date



Patricia Losik, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Bluestone Properties of Rye, LLC

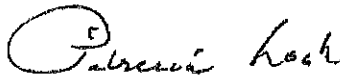
Addresses: 33 Sagamore Road, Tax Map 24, Lot 6
Property in the Business District.

Request: Request for an extension to the April 13, 2021, approved Major Site Development Plan by Bluestone Properties of Rye, LLC for property located at 33 Sagamore Road, Tax Map 24, Lot 6 to construct a new 3,496 sf farmstead building and provide associated parking and driveways. Property serviced by the City of Portsmouth municipal water and sewer. Property in the Business District. Case #02-2021.

Date of Decision: Tuesday June 20, 2023

Decision: The Board voted unanimously to grant acceptance of the application as complete and voted to grant the extension to October 13, 2024.

6/22/23
Date



Patricia Losik, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

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

Location: 1191 Ocean Blvd, Tax Map 17.3, Lot 30
Business District, Coastal Overlay District, SFHA Zone AE (9)

Request: Liquor License

Date of Decision: Tuesday June 20, 2023

Decision:

The Board found that the proposed location of the business is appropriate for the sale of alcohol, that the nature of the business is appropriate for the neighborhood, and that there are similar businesses in the neighborhood.

A place of assembly permit has been issued by the Rye Fire Department for this location (see attached permit, dated 6/6/2023); however, the Planning Board has limited outdoor seating to 34 seats within a fenced in area and indoor seating to 25 seats.

6/23/22
Date



Patricia Losik, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Marlene Veloso & Charles Fast


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

Request: Minor 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 2-lot. The property is in the Single Residence and Aquifer & Wellhead District. Case #10-2023.

Date of Decision: Tuesday June 20, 2023

Decision: The Board voted unanimously to grant acceptance of the application as complete and voted to continue the application to the July 18, 2023 meeting.

6/22/23
Date



Patricia Losik, Chairman
Rye Planning Board