

**TOWN OF RYE – PLANNING BOARD
MEETING**

**Tuesday, April 10, 2018
7:00 p.m. – Rye Town Hall**

***Members Present:* Chairman Bill Epperson, J.M. Lord, Jerry Gittlein, Jeffrey Quinn, Steve Carter, Selectmen's Rep Priscilla Jenness, Alternates Katy Sherman, Anne Arnold and Nicole Paul**

***Others Present:* Attorney Michael Donovan**

I. Call to Order and Pledge of Allegiance

Chairman Epperson called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

II. Designation and appointment of alternates

Chairman Epperson seated Alternate Nicole Paul for Patricia Losik.

III. Appointment of Chair, Vice-Chair and Clerk

• Chair

Motion by Jeffrey Quinn to nominate Bill Epperson as chair. Seconded by J.M. Lord. All in favor.

• Vice-Chair

Motion by Bill Epperson to nominate Patricia Losik as vice-chair. Seconded by J.M. Lord. All in favor.

• Clerk

Motion by Bill Epperson to nominate Anne Arnold as clerk. Seconded by Priscilla Jenness. All in favor.

IV. Appointment of Subcommittees

- Long Range Planning
- Rules & Regulations
- TRC

- Tabled to the next meeting.

V. Approval of the February 13, 2018 meeting minutes

Motion by Steve Carter to table the approval of minutes to after the applications are heard. Seconded by J.M. Lord. All in favor.

VI. Submittal of Applications for Determination of Completeness – Not a public hearing. – Action Required:

Motion by Jeffrey Quinn to move the application of Splitrock Cove Limited Partnership & James P. Nadeau, Jr. out of posted agenda order. Seconded by J.M. Lord. All in favor.

- a. Lot Line Adjustment Plan** by Splitrock Cove Limited Partnership & James P. Nadeau, Jr. of 507 State Street, Portsmouth NH and by The McKenna Revocable Trust of 2004 for properties owned and located at 135 Wentworth Road, Tax Map 24, Lot 30, and 139 Wentworth Road, Tax Map 24, Lot 32, for an adjustment between the properties by reducing parcel 30 from 2.526 acres to 2.403 acres and increasing parcel 32 from 0.438 acres to 0.560 acres. **Properties in the Single Residence District. Case #06-2018.**

Chairman Epperson stated that he and Attorney Donovan discussed this application. The application is lacking in a couple of areas.

Attorney Donovan explained that the application involves a condominium project that was approved by the Board in 1986. There are three buildings on two lots. The applicants are seeking to make a lot line adjustment between the two lots. One lot will become more conforming with the zoning ordinance and one lot will become slightly less conforming. In the past, if a lot line adjustment results in a non-conformity becoming less non-conforming overall, it was not sent to the ZBA. If it results in a lot becoming more non-conforming ZBA approval was required. If it has a mixture of some of it being less non-conforming and some of it being more non-conforming, it was sent to the ZBA for approval before the Planning Board acts on the lot line adjustment. He recommends that the Board not accept jurisdiction over the application and send it to the ZBA for the approvals that are needed.

Motion by J.M. Lord to decline accepting jurisdiction on the basis of the application being incomplete. Seconded by Steve Carter. All in favor.

- b. Amendment to Major Subdivision Development Plan, Condo Conversion, Conditional Use Permit and Lot Line Subdivision** for a retirement community development (RCD) of 20 units by the Generator Connections, Inc for property located at 511 Wallis Road, Tax Map 16, Lot 71 to allow for generators on each parcel. **Property is in the Commercial District. Case #07-2018.**

Chairman Epperson asked if the proposed generators are in accordance with the zoning.

Wayne Noyes, Generator Connectors, replied yes.

Attorney Donovan noted that the generators are all within the limited common areas.

Mr. Noyes pointed out that they have met all the setbacks of the Electric National Code.

Member Carter asked if the installations are going to be done all at once.

Mr. Noyes replied that this is the plan.

Member Carter asked if the generators will be going on all at once for testing.

Mr. Noyes explained that the generators can be programmed to come on any time that they want them to come on. They can be programmed to run 15 or 20 minutes. There are currently two generators in that development. He is not sure about their running time. The generators are a very good quality product and are very quiet compared to some generators. He noted that the generators will go on automatically when the power goes out after a five second delay and will shut off when the power comes back on. The generators are run on propane.

Member Sherman asked why this was not proposed with the original Sea Glass Plan if every unit is going to have one.

Mr. Noyes explained that the first two units requested generators when the unit was being built. That is why those were installed at that time. He is not sure why they waited to put the rest in until now. He was told that a Conditional Use Permit would be needed to do this at this time.

Motion by Jeffrey Quinn to accept the application as complete. Seconded by J.M. Lord. All in favor.

Motion by Jeffrey Quinn to take jurisdiction of the application; Case #07-2018. Seconded by J.M. Lord. All in favor.

The application continued to a public hearing. (Item VII, B on posted agenda.)

Chairman Epperson opened to the Board for questions. None were heard. He opened to the public for comments or questions. Hearing none, he closed the public hearing at 7:14 p.m.

Waivers requested:

- 403.1D – Preliminary Subdivision Plan
- 403.1E – Preliminary Topo & Soils Plan
- 403.1F – NHWSPCD
- 403.1G & 403.2F– Preliminary Surface Water Drainage Management Plan
- 403.2E & 403.1E– Preliminary Topo & Soils Plan
- 403.2G – Onsite Waste Disposal Plan
- 403.2H – Preliminary Elevation Drawings
- 403.2I – Water & Sewer Plans
- 403.2J – Condo Documents

Motion by J.M. Lord to approve the waivers as requested, as strict conformity would prove to be an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations as stated in Section 900 of the Planning Development Regulations. Seconded by Jeffrey Quinn. All in favor.

Conditional Use Permit (Special Use Permit):

Board must vote on the following standards being met (Zoning Ordinance Section 401.5):

1. 401.4 – Location, parcel size, frontage, number of dwelling units, density, type of dwelling, homeowner's association, bonus for excellence in design, building space setback and buffers.

Motion by Jeffrey Quinn that all the requirements of Section 401.4 have been met. Seconded by J.M. Lord. All in favor.

2. Granting the Special Use Permit will not be detrimental to the adjacent property owners or the neighborhood.

Motion by Jeffrey Quinn that granting the Special Use Permit will not be detrimental to the adjacent property owners or neighborhood. Seconded by J.M. Lord. All in favor.

3. Granting the Special Use Permit will not be detrimental to public safety, health and welfare.

Motion by Jeffrey Quinn that granting the Special Use Permit will not be detrimental to the public safety, health and welfare. Seconded by J.M. Lord. All in favor.

4. Granting the Special Use Permit will not be contrary to the public interest.

Motion by Jeffrey Quinn that granting the Special Use Permit will not be contrary to the public interest. Seconded by J.M. Lord. All in favor.

Motion by Nicole Paul to amend the Special Use Permit and Subdivision approval for the RCD, located at 511 Wallis Road, to allow the generators. Seconded by J.M. Lord. All in favor.

Motion by J.M. Lord to take the application of Tuck Realty Corporation out of posted agenda order. Seconded by Steve Carter. All in favor.

Note: Jerry Gittlein recused himself from the following application. Katy Sherman was seated.

- c. Major Subdivision** by Tuck Realty Corporation for property owned by Robert Goss and located at 0 Ocean Blvd., Tax Map 8, Lots 58 & 59, for a 5-lot subdivision. **Property is in the Single Residence District. Case #11-2018.**

Mike Garrepy, Tuck Realty Corporation, spoke to the Board. He stated that the proposal is for a five-lot subdivision located on Harbor Road and Locke Road. The parcel is the Goss property. Attorney Donovan's and staff comments have been received. He understands that the application may not meet the completion criteria. He noted that there are a couple of additional test pit locations that were missed in the original round with Dennis Plante. He explained that there are two or more test pits on the lots but they do not quite fit in the 4k area. They will need to go back out to do 4 or 5 more test pits to cover the 4k areas.

Attorney Donovan stated that the Board has indicated that they would like to have Mark West, West Environmental, to peer review the wetlands markings. Soil Scientist Joel Noel will be witnessing the new test pits on behalf of the Planning Board.

Chairman Epperson stated that the Town just got through a flooding issue. His impression was that a lot of the land was underwater.

Mr. Garrepy stated that this may have been the impression of folks who did not see it. He noted that he has some photos that were taken during high-tide during that storm. It can be seen that there areas that are noted on the plan as tidal marsh areas that acted as flood storage but the fields themselves are high and dry. Its elevation 12 and 14, where the floodplain is at elevation 9. This parcel is well above the flood elevation. The field itself did not encounter any flooding. The buildable envelopes on all five lots were all above any flooding situation.

Chairman Epperson stated the Board spends a lot of time looking at floodplains and FEMA Maps. It is known that just by sea rise, by the end of the century, there is probably going to be a minimum of a 1.7ft rise. This means that a lot of Route 1A is going to be underwater and the adjacent water is going to be underwater. The wetlands are critical for holding a lot of that water. He suggested that when this is being evaluated he would implore them to be conscious of those issues.

Mr. Garrepy agreed. He stated this is something they were concerned with from the beginning. That is why it was important to complete a full topography delineation so that the wetland boundary is known. He continued they know what the current elevation is for the wetlands. They are 3ft+ above that for all of the buildable envelopes. The plan is to raise the site even further. The road is being raised up slightly above existing grade. Some of the house sites will be raised as well. They are anticipating accommodating current regulations, as well as something that needs to occur in the future. He pointed out that they cannot predict the future they can only plan for it.

Attorney Donovan stated that he recommended that the peer review also include a review of the various flood studies that have been done in Town in recent years, such as the Hazard Mitigation Plan, Chapter 3 of the Master Plan, and the RPC study on flood risks, with a report being provided by an expert about the flood risks that may or may not be associated with this parcel. He believes that the Planning Administrator was going to contact Rockingham Planning Commission (RPC) to see if they have personnel that would be able to do that. He thinks the escrow does take that cost into account.

Member Quinn asked if there has been any staking to approximate the lots.

Mr. Garrepy replied that there has been wetland flagging but there has been no staking of the center line of the road or lot corners.

Referring to the photos, Member Quinn noted that they do not depict what a particular lot would be experiencing under stress conditions.

Mr. Garrepy explained the photos demonstrate that the field area was not under water at all. Three of the homes would be located in the field area and two would be "tucked" into the woods.

Chairman Epperson asked if the road accessing the homes would be under water.

Mr. Garrepy stated the road is proposed to be as far west on the property as possible to keep it as far away from the wetlands as possible.

Chairman Epperson commented the Police Chief made a notation on his comments that at times that road would flood.

Mr. Garrepy replied that those were his comments; however, he does not know if he necessarily knew the location of this proposed road in relation to where Harbor Road historically floods.

Motion by Jeffrey Quinn to declare the application of Tucker Realty, Corp., incomplete, defer it to the May Planning Board meeting and set an escrow of ten thousand dollars (\$10,000). Seconded by J.M. Lord. All in favor.

Motion by J.M. Lord to set the site walk for Monday, April 23rd, at 4:00 p.m. Seconded by Steve Carter. All in favor.

- **Site Walk scheduled for Monday, April 23rd, 4:00 p.m.**

Note: Jerry Gittlein was reseated and Katy Sherman was unseated.

- d. **Minor Site Development Plan** by Laurie & Michael Steinberg for Amendment to Major Subdivision Development Plan, Condo Conversion, Conditional Use Permit and Lot Line subdivision for a retirement community development (RCD) to add a 4-season room 12'x16' to their 17 Sea Glass, Tax Map 16, Lot 71-3, property. **Property is in the Commercial District. Case #08-2018.**

Chairman Epperson asked if there is an as-built plan. He noted that during the approval of the development, the Planning Board allowed another 20% in square footage, per the zoning, making it 2160sf. He asked if this is one of the larger units.

Laurie Steinberg, applicant, confirmed. She noted that this is supposed to be a screened-in porch, not a four season room. It would only be for two sides.

Chairman Epperson pointed out the application says that it is a four season room.

Christian Smith, Beals and Associates, stated that it is a screened-in room attached to a four season room. The screened room is 12x16. The residential site plan is based on as-built conditions.

Chairman Epperson reviewed that there are some accommodations that were made for this development. It was supposed to be for 16 units, not to exceed 1800sf. The Planning Board used the accommodation of the zoning to increase the number of units to 20 because of the design concept. The Board also allowed 12 homes to be 2160sf, which is 20% larger. The board allowed the two car garage and screened-in porches without changing the footprint of the house. This particular application wants to change the footprint of the house by adding walls. He asked the Board if they feel this is a complete application. He commented that he has reviewed it and it looks complete.

Motion by Bill Epperson to declare the application complete. Seconded by Jerry Gittlein. All in favor.

Motion by J.M. Lord to take jurisdiction. Seconded by Steve Carter. All in favor.

The application continued to a public hearing (Item VII, C on posted agenda.)

Chairman Epperson stated that with all due respect to the homeowners, everyone knew what they were buying into and they abided by it. Any creep in this project is going to be a problem. If this is approved everyone is going to come back and want something else. His opinion is that the application should be declined.

Member Quinn stated that as he recalls there were a number of people present at the original meeting that were going to be homeowners on that property. He believes there was a 12x16 deck proposed for each of the units. He thinks the consideration at that time was whether they would be allowed to screen those areas in. He understood that the decision of the Board was that they may not screen-in the decks.

Chairman Epperson explained they came back and petitioned the Board to be allowed to screen those in because of mosquitoes and bugs. The Board felt this was a legitimate request and they were allowed to do that. It was allowed as long as it was not heated, the square footage was not increased and it wasn't considered living space.

Member Quinn stated his concern is that if this was allowed it would start enlarging the area for additional space.

Member Lord agreed. Everything is going to start to get bigger and bigger.

Attorney Donovan suggested that this be tabled until the next meeting so the Planning Administrator can provide record of exactly what was approved last time.

Member Sherman stated she is confused about the configuration. She asked if the screened porch is currently there.

Mr. Smith replied no. It is stone patio space at this point. The proposal is to put a screened room on top of the existing patio.

Member Carter pointed out there are a number of houses in this development that have screened rooms. He asked why this house does not have one. Is it because of the difference in square footage?

Mr. Smith replied that they opted for the patio initially. He noted that there are differences in the square footages of the homes. He is not sure the difference between the square footage of this home and the ones that have the screened porches.

A resident of the development noted that there were a lot of people that opted not to screen-in the porches, at the time they were allotted to do it, because it was expensive. His impression is that if a homeowner wants to screen it in now they could because it was approved originally.

Chairman Epperson commented that the Board did not agree to the addition of more walls or a change to the footprint of the house in any way. He stated the Board has questions on the exact square footage and on what was approved. The application also has to state exactly what is being requested.

Motion by Jeffrey Quinn to continue the application to the May meeting. Seconded by J.M. Lord. All in favor.

- e. Conditional Use Permit Application** by Ronald & Ann Freeze for property located at 18 Glendale Road, Tax Map 20.2, Lot 128, for an existing Accessory Dwelling Unit per Section 506 of the Rye Zoning Ordinance. **Property is in the General Residence and Coastal Overlay District. Case #09-2018.**

Chairman Epperson noted that this is an existing apartment. It has been existing for a long time. It doesn't meet the current zoning for space nor does it meet the State requirements for entrance into the main house.

Attorney Donovan stated that if the building inspector found a so-called illegal apartment, that he could not document as being grandfathered, he would refer it to the Planning Board for an accessory dwelling unit (ADU), even if it did not meet the requirement for an ADU. This particular unit is not large enough and does not have the interior door connection between the two units, which is a State statutory requirement as well as being in the ordinance. His opinion is the Board cannot accept jurisdiction on this application because it does not meet the criteria. That is the criteria that the voters have set in the zoning ordinance for a Special Use Permit. The options to the building inspector when he finds a unit that is not a legal unit, is to notify the property owner that their options are to either provide evidence that the unit is grandfathered, apply for variances from the ZBA or discontinue use of the apartment. None of those scenarios involve the Planning Board.

Chairman Epperson asked how an apartment is determined to be grandfathered.

Attorney Donovan explained there is a record that shows this apartment existed in 1972. This is in a General Residence District where two family dwellings are allowed. In 1953, the zoning ordinance allowed a two family dwelling on a lot of 12,000sf. This lot exceeds that. If the apartment was established while the 1953 zoning ordinance was in effect, it is a grandfathered apartment. However, the zoning ordinance changed in 1969 to increase the two family lot size to 20,000sf. The burden of grandfathering is on the property owner not the Town. He noted there is some confusion because on the Planning Board website there are copies of zoning ordinances in 1964 and 1966. He does not believe these were adopted but that needs to be confirmed.

Eric Weinreib, Altus Engineering, stated that the Freezes have owned the property since 1969. It was a multi-family duplex when they purchased the property. There is a letter from Mel Low (mortgage broker at the time), when they refinanced in 1972, stating that he could not give them the loan because it was a duplex. The Freezes have not made any renovations to the property. It

was purchased as a duplex in 1969. The property has been rented for the whole time that they have owned the property. They are now trying to sell their property but have been told that it is not legal.

Attorney Donovan noted that if the ordinance did not change until March of 1969, and the owner can establish that the unit was there at the time, it would be grandfathered. If the building inspector rules it was not grandfathered, the owner can apply to the ZBA for an appeal of the administrative decision.

Richard Freeze, applicant, noted that they purchased the home in 1968 and the unit existed then.

Attorney Donovan explained that it is relatively easy to find out when the 1953 zoning ordinance was replaced. Someone just needs to review the Town Warrants.

Motion by Jeffrey Quinn to decline the application on the basis that it is not complete. Seconded by J.M. Lord. All in favor.

- f. Minor Site Development Plan** by Colin Enterprises, LLC for property owned by 123 Lafayette Road, LLC and located at 25 Lafayette Road, Tax Map 14, Lot 15, to change the occupancy and business use for Mosquito Squad of Stratham, NH to serve as office, administrative tasks and storage of trucks, equipment and pesticides. **Property is in the Commercial District. Case #10-2018.**

Motion by J.M. Lord to declare the application complete. Seconded by Jeffrey Quinn. All in favor.

The application continued to a public hearing.

Chairman Epperson stated that this is for a change of use. He assumes the business has to follow all the State and Federal laws in regards to pesticides.

Member Carter asked if this is for the whole building or just the front part.

Chuck Williams, property owner, replied it is for Unit 1 in the front.

Motion by Steve Carter to take jurisdiction over the application. Seconded by J.M. Lord. All in favor.

Member Quinn asked if there are any other tenants in the building.

Mr. Williams explained there are two current tenants that have been there for a number of years. The mosquito control business is looking to lease Unit 1.

Member Quinn asked if there is a possibility of any residue left in the building from the body shop that was there previously.

Mr. Williams explained that when he purchased the property an Environmental Site Plan was done. There is a mortgage on the property and they would not move forward with the loan without being sufficiently satisfied in regards to pollutants on the property. That was a concern because of the prior use of the building.

Chairman Epperson commented that there must be a lot of environmental rules that go along with this.

Tom Conlon, business owner, stated that he is well of the State requirements. He would need to build a storage unit, which would basically be a closet. He will be purchasing a few supply cabinets but other than that it is just parking of trucks. The business is seasonal and is done October 1st. The unit would be vacated from October to about February.

Chairman Epperson asked if there are any special accommodations that have to be made for leakages on the concrete floor.

Mr. Conlon explained that all the products are put into container units like a rubber trash can. If anything was to leak it would go into a Tupperware or rubber trash can first. He is proposing to do a border around the entire storage unit. Spillage is very minor. Occasionally someone will overfill a service bottle or drop a bottle, which is cleaned up with a rag.

Chairman Epperson asked if the pesticides have a half-life.

Mr. Conlon noted that most of the products only last about three weeks.

Chairman Epperson stated that this location is relatively close to Berry's Brook. As it is known, Berry's Brook and the entire Coakley Landfill issue has gotten to be a big deal. The Board does not want to make any situation potentially worse. He is not sure how they can make sure that things are done to make sure that whether a product is leaked it stays in that building. He commented that it could potentially reach the Berry's Brook Watershed. The Board does not want to be responsible for that happening.

Selectmen's Rep Jenness asked if all the products are liquid.

Mr. Conlon confirmed. The product comes in as a concentrate and water is added when it is applied to someone's property. A 30 gallon container of liquid product would go into a 55 gallon trash can and that would go into the pesticide room with a cement floor.

Chairman Epperson opened to the public.

Chris Brown, 53 Harborview Drive, asked if the half-life is based on the concentrate on when the water is mixed in.

Mr. Conlon stated that if the product is exposed to the environment it is going to break down.

Attorney Donovan stated that the State regulates this type of business fairly stringently. This has actually been approved by the ZBA as a home occupation on Sagamore Road. They approved it knowing that the State regulations were in place for protection. That business is also close to Berry's Brook. He noted that Section 306.7B is a set of regulations addressing the storage and containment of regulated substances. The Board may want to condition their approval on compliance with that particular section, as well as compliance with all State licensing requirements.

Mr. Conlon reviewed the five requirements in Section 306.7B. After review, he stated those are all within the same guidelines of the State.

Hearing no further comments from the public, Chairman Epperson closed the public hearing at 8:30 p.m.

Motion by Jeffrey Quinn to accept the application for Case #10-2018 with the condition that Section 306.7B of the Zoning Ordinance is followed and compliance is met with all State licensing requirements applicable to pest control businesses. Seconded by J.M. Lord. All in favor.

VII. Public Hearings on Application:

- a. Major Subdivision, Lot Line Adjustment and Conditional Use Permit** by the Housing Partnership for property located at 0 Airfield Drive, Tax Map 10, Lot 15-4, for construction of a residential development consisting of a mixture of multi-family dwellings with a portion being dedicated as Workforce Housing. **Property is in the Commercial Zoning District and the Multi-Family Dwelling District Overlay and Aquifer and Wellhead Protection Districts. Case #07-2017.**

Attorney David Brown, representing the applicant, stated that they would like to focus on the landscape plan, which is new to the Board. There is a drawing that shows the buffer easement that goes under the Rickert Property and runs 50ft along the side of Drive A. At the meeting in February, the Board agreed these were driveways and also agreed to the width of 22ft. He presented the proposal to fix the 50ft on the side of Drive A. Mr. Rickert would put a 25ft buffer easement on his side to create a total of 50ft. He thinks that the Board is agreeable to that and they would like to confirm that at this meeting. The other pending issues is the septic plan. Mr. Chapman and his team spent a lot of time with the engineers and the septic designer and reviewed the septic at length. There is an update on septic; however, it will have to come back in May for a more detailed review.

Robbie Woodburn, Landscape Architect from Woodburn and Company, stated that the plan that is in the packet is a conceptual plan. From the first time it was presented, there have been some different thoughts but things will not change that much. She continued along the southern property line is a mix of White Pine, Scotch Pine and Green Giant Arborvitaes or Western Red Cedar. Those will be planted along the edge of the cut in the existing vegetation. At the property line there is a high point then the grade drops down. The additional trees will be either at the bottom of the slope or as far up the slope as possible to start the screening. She does not want to plant back at the property line, which would seem make sense to provide screening right away. However, for the health of the trees, instead of planting them in a shady bound area, they should be pulled out towards the edge of the roadway so they have the opportunity to get sunlight. There is a mixed evergreen border. They are going in at 8 to 10ft. The species are very fast growers and should give a decent buffer. She stated that on the western buffer they reviewed the idea of the 50ft buffer being 25ft on either side. This buffer is meant as a hedge against the future when that commercial site is developed. Along that buffer will be a combination of Norway Spruce, and Serbian Spruce, intermingled with Princeton Elms that will act as street trees for that driveway. The elms will go in at a 2.5-inch caliber. They are a plant that grows very quickly. She stated that at first, she had suggested reusing some of the spruces that are along Airfield Drive. However, those are not in good health and will not be kept. There will be a mix of evergreens in the middle but far enough apart that at each driveway opening there is enough good sight. At each driveway opening there will be Sweet Elms on either side, which is a native plant with good fall color that can withstand the automobile environment. Along the outside of the driveways, they will be using street trees and a mix of Small Point Oak and Elms. On the inside there will be Red Maples, Sugar Maples, Magnolias and Crabapples trees as ornamental to soften the unit.

Ms. Woodburn stated that they have had a lot of conversation about the appropriate material for walkways and permeability. There is a sidewalk parallel to Airfield Drive far into the property. It will connect to a concrete sidewalk that will go out to Route 1. Along the outside, where sidewalks are adjacent to roadways, those will be concrete. The interior pathways will most likely be stone dust with crushed stone rolled into them so they are permeable. There is another option of stabilized decomposed granite, which is a permeable surface and a little sturdier. The idea is to have something that is not an asphalt that is permeable but will be sustainable and easily maintained.

Chairman Epperson asked if this can be maintained when it snows.

Ms. Woodburn replied that it depends on how they handle the snow. If they use a snowblower, it will be fine. If a plow is used it will be like any gravel driveway.

Attorney Donovan stated that the type of winters they are having have been a mixture of rain and snow. The water then accumulates on the stone dust and gravel and freezes and becomes a slippery walking environment.

Ms. Woodburn stated it is going to be a maintenance issue. The experience with permeable pavements has been that even though there is snow and ice they are still permeable and the water goes through. There is not as much ice buildup on permeable pavement.

Attorney Donovan stated that the water could freeze before it has a chance to percolate and the ground is frozen.

Ms. Woodburn stated this would be the case on asphalt or concrete also. If they are not maintained well, there is going to be an issue.

Attorney Donovan stated the asphalt ones are easier to clear and keep ice free than stone dust that has become iced up and never unfreezes so the water can percolate in.

Ms. Woodburn commented that it is her understanding that the Board would prefer a permeable solution.

Attorney Donovan replied that from the point of drainage, certainly. From the point of safety and people walking on those, there is a balance of safety versus permeability.

Ms. Woodburn agreed. She continued that there are a lot of different ways to plant a raingarden. Sometimes they are ornamental. Sometimes they are meant to be ornamental but they haven't been maintained and do not look good. Initially she had drawn this with using native perennials, thinking it would be a maintained item that would be part of the playground area. They thought a lot about the long-term viability, how it will be maintained and who will be maintaining it. Another way to do a raingarden is with native grasses. She is suggesting a seeded native grass combination that can stand intermittently wet conditions. It can be wet for a little while and then become a desert. The raingarden has to have a grass mix that can cover both conditions. Because it is next to the playground, is ornamental grasses and should stay grasses, it will be knocked down once per year to low grass so the seeds can reset and regrown again.

Referring to the plan, Chairman Epperson asked if there is any issue with the trees being inside the septic area.

Ms. Woodburn explained they have not received the septic design yet. Once they receive that design, she will adjust the location of the trees. She noted there will be trees inside the courtyards. They will just be out of the way of the septic fields.

Attorney Donovan asked about the sidewalks and how they jive with the layout of the compressors and the vents that are going to be required for the septic systems. It seems that some of the sidewalks go through the areas where some of those vents are going to be. Plus, some of those leachfields are going to be elevated somewhat.

Ms. Woodburn stated that as soon as they pin down the septic approach and it is set on the plan, the walkways will be adjusted to go around the septic fields.

Selectmen's Rep Jenness commented that these are not going to be Town roads. She asked if they have any control over the amount of salt that is used. She continued there are salt free areas in Town. There will also be homeowners salting. She is concerned about the amount of street here and the amount of salt that could be used over time.

Speaking to Mr. Chapman, Chairman Epperson asked if they salt White Birch.

Mr. Chapman confirmed. He stated that he is not sure if Mr. Rickert salts Airfield Drive or not. He thinks he does.

Ms. Woodburn stated that there was some discussion at the meeting about the viability of grass on septic fields and having children on grasses. Getting the proper depth of loam will hold moisture and help the viability of the grass. The grass seeding mix that will be specified will put down much deeper roots and can stand the drought conditions.

Ms. Woodburn completed her presentation.

Regarding the suggestion to move a portion of Drive A, Chairman Epperson asked if they have the thoughts of the Fire Chief.

Doug LaRosa, Ambit Engineering, explained that they discussed looping the roads with the Fire Chief. The Fire Chief felt it was a safety issue. A letter was provided to the Planning Administrator from the Fire Chief. The way the hydrants are laid out, he wanted the fire trucks to come in, hook up as soon as they came in to each of the drives and have access all around in two directions.

Chairman Epperson stated he would like more clarification from the Fire Chief. He pointed out that there is one access to Sea Glass and Starfish Circle.

Mr. LaRosa stated it is a difference of about 250ft of pavement.

Attorney Donovan stated that he read the minutes of the last meeting. His interpretation is that some of the Board members voted in favor of the reduced street width because they thought the two looped plan was going to be pursued. He is not sure if the members will change their minds about the 22ft if that is not going to be done.

John Chagnon, Ambit Engineering, stated that the issue came up and it was stated that they would ask the Fire Chief his opinion. The Fire Chief prefers the layout that stays this way.

Mr. LaRosa stated the Fire Chief had specific concerns and wanted hydrants at the entrances. He wants the fire truck to be able to drive in and hook up as soon as it gets there.

Chairman Epperson asked if he wanted hydrants in the back of the loop.

Mr. LaRosa pointed out that they do have hydrants at the back of the loop. (He reviewed the locations on the plan for the Board.) The hydrants are spaced so they are not more than 500ft apart. In regards to the septic, different technologies have been examined to reduce the nitrates on the site considerably. A typical leachfield lets out about 40 to 60 milligrams per liter of nitrate. The system that is being looked at reduces it below 10 and that is the one that is being focused on. It is fairly apparent that this would reduce it below the EPA drinking water standards.

Chairman Epperson asked if the system is different mechanically than the one that was proposed before.

Mr. LaRosa replied yes. The Advanced OnSite Septic (AOS) that they originally started with couldn't promise that it could bring it below 25 milligrams per liter of nitrate. They looked at three alternatives that have similar components. They use physical aeration to mix up the effluent to reduce the nitrates. The systems are like small waste water treatment plants. The Norweco System brings it to 7 or 8 using the standard NFS testing. The Norweco System has been around for 25 years. The installations range from 10 to 5 years old. He continued NH DES approved it similar to the AOS System where they give a reduction for field and judge the nitrate setbacks on its own basis.

Chairman Epperson asked if Stonehill Environmental has done a recalculation of the nitrates on the boundary line.

Mr. LaRosa stated they have been working on that but have not come to a final report yet.

Marty Chapman, The Housing Partnership, stated that when they were before the Board in February, Tim Stone and Danna Truslow were at the meeting. It was pretty clear at that point that getting to a standard that would satisfy both the State and Town, in terms of the effluent leaving the leachfield and heading towards the boundary line, was a matter of science and interpretive science as well. He continued that his instructions to the team was to try and find a system that at the pipe, seeping into the ground, it already met the standards. That in essence would render moot the idea that they needed to calculate whatever is coming out of the system and figure out what is happening in the soil, based on the scientific model that exists, and getting to the boundary line to meet that standard. He continued they have been pretty aggressive in looking at systems. There is the manufacturer's claim on what is coming out of the system, which is fine because it is done by a third party. However, they wanted to find a system that was installed that had field data they could present to the Board, which they hope will demonstrate that right out of the system they have met an aggressive standard that meets the boundary line standard before it's even out of the system. He noted that the system is somewhat different in

the ground. The location of the systems is something that Ambit will have to work on. They are hopeful that there won't be any concern about what is in the soils in terms of the Town's boundary line standards because it will have already been met coming out of the system.

Mr. LaRosa stated the next issue they want to address is to obtain consensus that the 50ft buffer, half on Airfield Drive property and half on Mr. Rickert's property, was acceptable to the Board so they can move forward. He noted that the buffer is on the westerly side parallel to Drive A. He stated that it was not crystal clear in February that the whole Board would give the okay to go ahead with this. (He reviewed the location of the buffer on the plan for the Board.)

Attorney Donovan commented that he suggested this several months ago to Attorney Brown, as long as, the deed restriction is on the parcel. It accomplishes the intent of the ordinance. The intent was a 50ft buffer between a residential property and a commercial property. Even though this is a very low intense commercial property now it may not always be.

Chairman Epperson asked the thoughts of the Board.

Member Arnold stated she is okay with it.

Selectmen's Rep Jenness suggested that they have something in writing from Mr. Rickert.

Member Carter agreed.

Member Quinn agreed.

Attorney Donovan stated that would be a condition of approval.

Member Gittlein commented he is okay with it.

Member Sherman stated she is okay.

Member Paul stated she is okay with it as long as it is in writing.

Member Lord asked if it will be a 75ft buffer when the commercial property is developed; 50ft on one side and 25ft on the other. Or are they reducing the 50ft buffer from commercial to residential on that property? Now there is only a 25ft buffer on that property in a Residential District. It seems that there needs to be a 50ft buffer on the other side of the property so there would be a 75ft buffer by the time it's done. The buffer should all be on the other property if that is how it is going to be looked at. It could be 25 and 25, knowing that when the commercial site is developed, there is going to be another 25ft buffer need on the other piece of property.

Attorney Brown commented that he thinks this is understood.

Attorney Donovan stated that this is a good point. The way the zoning ordinance is worded, when that property is redeveloped, the ordinance could be interpreted that 50ft is required on that parcel which would be another 25ft. They may want to address this in a condition of approval that when the property is redeveloped the developer could ask the ZBA for a variance to the 50ft. He suggested that a condition of approval could be that when the Rickert lot is redeveloped, a 50ft boundary should be provided on that parcel.

Chairman Epperson stated that on the basis of that the Board agrees.

Member Lord pointed out that the commercial piece is going to have to do a 50ft buffer so 25ft will have to be added to it. In essence, what is being done, is this property is being given a 25ft variance for not having an adequate buffer.

After reviewing the ordinance, Attorney Donovan stated that the ordinance says that the 50ft buffer has to be provided on this parcel. The easy way to do that is to adjust the boundary by 25ft. It would then comply with the ordinance. It probably would technically require a variance to go with 25ft on this parcel. There is nothing to gain by giving the easement because they already require 50ft on that side. What is being given up is 25ft on this side. This property will need a 25ft variance.

Mr. Chagnon pointed out they would end up with a 100ft buffer. The ordinance is a 50ft buffer.

Attorney Donovan stated that it may end up at 100ft because the ordinance requires them on each parcel that is developed.

Mr. Chapman stated that it seems the intent of the ordinance is to have a 50ft buffer between a residential and commercial property. Depending on who comes in first, the 50ft buffer is created. He asked if it is the intent to create two 50ft buffers for properties that are abutting.

Attorney Donovan stated that the wording is specific. The buffer has to be provided on this parcel if this parcel is developed at this point in time. If it isn't, then a variance is needed from the ZBA. Or the interpretation of the Planning Board could be questioned through an administrative appeal to the ZBA.

Hersey Hirshkop, The Housing Partnership Senior Project Manager, stated that this was reached as a compromise. The compromise was that The Housing Partnership give 25ft and Mr. Rickert would give another 25ft on his end. She noted that they feel like this is an adequate amount of space. A 100ft buffer seems to be extreme.

Chairman Epperson asked what would happen if there is a 25ft easement and the other parcel is sold to be developed. Their buffer cannot encroach on that easement. He asked if it would have to be another 50ft.

Attorney Brown commented that he thought there only had to be one 50ft buffer.

Attorney Donovan noted that the ordinance addresses that. It states that if both parcels are being developed at the same time, only a 50ft buffer is required; however, these are not both being developed at the same time. When developing one parcel, the ordinance is clear that the 50ft buffer has to be provided on this parcel. The Planning Board has a couple of choices. One of them is to condition any approval on getting a variance to that provision, allowing it to move forward the way it is depicted. The choice of the applicant is to either get the variance or appeal the Planning Board's interpretation to the ZBA. He thinks Member Lord's point is absolutely correct. He noted that he may have overreached when he suggested to Attorney Brown that this might be a reasonable compromise; however, it is not in accordance with the ordinance.

Mr. LaRosa asked if the Planning Board would consider the driveway and the planted area the 50ft buffer. He pointed out that they do have 50ft that is not being developed with houses. If the buffer was on the front of the property, people would have to go through the buffer for access. It just happens that it is on the side of the property. The driveway and the vegetation can be made 50ft from the property line. He has not seen any definition for buffer in the ordinance so he would submit that this would be a judgement on the Planning Board.

Attorney Donovan commented that he does not think a buffer is intended to be open space, even though it is not defined in the ordinance.

Member Gittlein stated that they need to think about what a buffer is. Is air a buffer? His way of thinking is that air does not buff anything. It is just space. The rules are to protect the houses and people that live there from noise and other things. That is the idea about a buffer. If there is space, it can always be attenuated over time. If the ordinance specifically says 50ft for a buffer, that should be respected, rather than assuming someone is going to go back to the Planning Board and start begging for relief.

Member Paul stated that the ordinance says that a buffer is supposed to include natural added plantings and evergreens, which will screen non-residential uses during winter months.

Attorney Donovan pointed out that the driveway is going to have 200 to 300 cars per day driving across it.

Mr. Chapman stated that it sounds like they will need to speak with Mr. Rickert again about a possible boundary line adjustment.

Chairman Epperson opened to the public.

Chris Brown, 53 Harborview Drive, representing his parents George and Jacqueline Jarvis, 24 Random Road, stated that his parents are the closest abutter on Random Road. His parents are not against the project. Their biggest concern is privacy. He stated that his parents' house is the most impacted in terms of privacy. His question is what happens when the people buy the units and want to clear out all the trees.

Attorney Brown explained that they will not be allowed because it is common land.

Chris Brown stated that the association could vote and agree to clear cut the area for more playing room. Once the units are sold, if it is not in a covenant, in theory the association could vote to take all the trees out.

Attorney Brown stated that there always has to be a 50ft buffer.

Mr. Chagnon pointed out they would be violating the ordinance if they cleared that area.

Chris Brown asked if the owners would be aware of that.

Attorney Donovan explained the covenants would clearly establish that the trees cannot be cut. The deeds will also reflect the covenants. He continued the Town may want to include a provision about having a designated on-site coordinator, which the homeowners' association will have to hire, to monitor all of these issues. The Board is beginning to develop a mechanism to help control things like this, even though the covenants should. Often there is not stewardship on the part of the association.

Hearing no further comments from the public, Chairman Epperson closed the public hearing at 9:30 p.m.

Motion by J.M. Lord to move the application to the May 8th Planning Board meeting. Seconded by Jeffrey Quinn. All in favor.

- b. Amendment to Major Subdivision Development Plan, Condo Conversion, Conditional Use Permit and Lot Line Subdivision** for a retirement community development (RCD) of 20 units by the Generator Connections, Inc for property located at 511 Wallis Road, Tax Map 16, Lot 71 to allow for generators on each parcel. **Property is in the Commercial District. Case #07-2018.**

(Addressed above)

- c. **Minor Site Development Plan** by Laurie & Michael Steinberg for Amendment to Major Subdivision Development Plan, Condo Conversion, Conditional Use Permit and Lot Line subdivision for a retirement community development (RCD) to add a 4-season room 12'x16' to their 17 Sea Glass, Tax Map 16, Lot 71-3, property. **Property is in the Commercial District. Case #08-2018.**

(Application continued to the May meeting. See above)

- d. **Lot Line Adjustment Plan** by Splitrock Cove Limited Partnership & James P. Nadeau, Jr. of 507 State Street, Portsmouth NH and by The McKenna Revocable Trust of 2004 for properties owned and located at 135 Wentworth Road, Tax Map 24, Lot 30, and 139 Wentworth Road, Tax Map 24, Lot 32, for an adjustment between the properties by reducing parcel 30 from 2.526 acres to 2.403 acres and increasing parcel 32 from 0.438 acres to 0.560 acres. **Properties in the Single Residence District. Case #06-2018.**

(Application voted not complete)

- e. **Conditional Use Permit Application** by Ronald & Ann Freeze for property located at 18 Glendale Road, Tax Map 20.2, Lot 128, for an existing Accessory Dwelling Unit per Section 506 of the Rye Zoning Ordinance. **Property is in the General Residence and Coastal Overlay District. Case #09-2018.**

(Application declined. See above)

- f. **Minor Site Development Plan** by Colin Enterprises, LLC for property owned by 123 Lafayette Road, LLC and located at 25 Lafayette Road, Tax Map 14, Lot 15, to change the occupancy and business use for Mosquito Squad of Stratham, NH to serve as office, administrative tasks and storage of trucks, equipment and pesticides. **Property is in the Commercial District. Case #10-2018.**

(Addressed above)

- g. **Major Subdivision** by Tuck Realty Corporation for property owned by Robert Goss and located at 0 Ocean Blvd., Tax Map 8, Lots 58 & 59, for a 5-lot subdivision. **Property is in the Single Residence District. Case #11-2018.**

(Addressed above)

VIII. New Business

- Voluntary Lot Merger by Andy F. and Karlene T. Stecher for properties at Tax Map 19.4, Lot 30, and Tax Map 19.4, Lot 32, to become all Tax Map 19.4, Lot 30 at 51 Park Ridge Road, Rye, NH, 03870.

Motion by Jeffrey Quinn to approve the voluntary lot merger requested by Andy F. and Karlene T. Stecher. Seconded by Jeffrey Quinn. All in favor.

IX. Subcommittee Reports

a. Update on the Master Plan Chapters

Mae Bradshaw, 106 Harbor Road, stated that a couple of years back the Heritage Commission rewrote Chapter 8 regarding the commissions (Heritage and Historic District). She brought a copy of the rewrite, which defines each of the commissions. There is some confusion on what each of the commissions are responsible for.

Chairman Epperson noted that they are not currently working on that chapter. However, if this is just clarification that is something that can be done. He asked Ms. Bradshaw to submit her notes to the Planning Administrator on what she would like to see done for that chapter.

No further updates on the Master Plan were available.

X. Pay Escrows

- Sebago Technics
 - \$1,119 – Workforce Housing Escrow
 - \$1,743 – Stoneleigh Subdivision

Motion by J.M. Lord to pay the invoices from Sebago Technics. Seconded by Jeffrey Quinn. Vote: 6-0-1 Priscilla Jenness recused herself from the vote.

- Attorney Michael Donovan
 - \$788.45 – Stoneleigh Subdivision
 - \$172.37 – Workforce Housing Escrow

Motion by J.M. Lord to pay the invoices from Attorney Donovan. Seconded by Jeffrey Quinn. Vote: 6-0-1 Priscilla Jenness recused herself from the vote.

XI. Communication/Other

The following corrections were noted:

- Page 1, Item 4A should read: **to install a 125' monopine wireless telecommunications facility**
- Page 11, 7th paragraph from bottom, last sentence should read: **Safety has to be provided for the children to get to the bus stop.**

Motion by J.M. Lord to approve the minutes of February 13, 2018 as amended. Seconded by Jeffrey Quinn. All in favor.

Adjournment

Motion by J.M. Lord to adjourn at 9:42 p.m. Seconded by Jeffrey Quinn. All in favor.

**All corresponding documents and files may be viewed at the Building Department, Rye Town Hall.*

Respectfully Submitted,
Dyana F. Ledger

RYE PLANNING BOARD

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

Notice of Decision

Applicant: Splitrock Cove Limited Partnership & James P. Nadeau, Jr. of 507 State Street, Portsmouth NH and by The McKenna Revocable Trust of 2004

Properties: 135 Wentworth Road, tax Map 24, Lot 30 and 139 Wentworth Road, tax Map 24, Lot 32 Single Residence District

Case: Case #06-2018

Application: Lot Line Adjustment Plan by Splitrock Cove Limited Partnership & James P. Nadeau, Jr. of 507 State Street, Portsmouth NH and by The McKenna Revocable Trust of 2004 for properties owned and located at 135 Wentworth Road, tax Map 24, Lot 30 and 139 Wentworth Road, tax Map 24, Lot 32 for an adjustment between the properties by reducing parcel 30 from 2.526 acres to 2.403 acres and increasing parcel 32 from 0.438 acres to 0.560 acres. **Properties in the Single Residence District. Case #06-2018.**

Date of Decision: Tuesday, April 10, 2018

Decision: ☐ Approved
☐ Conditionally Approved
☒ Denied Jurisdiction

The Board voted to not accept jurisdiction and to refer the applicant to the ZBA for approval per town counsel's memo of January 31, 2018.

4/11/18
Date


William Epperson, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant: Generator Connections, Inc.

Property: former 511 Wallis Road, now Sea Glass Lane, Tax Map 16, Lot 71
Commercial District

Case: Case #07-2018

Application: Amendment to Major Subdivision Development Plan, Condo Conversion, Conditional Use Permit and Lot Line subdivision for a retirement community development (RCD) of 20 units by the Generator Connections, Inc for property located at 511 Wallis Road, Tax Map 16, Lot 71 to allow for generators on each parcel. **Property is in the Commercial District. Case #07-2018.**

Date of Decision: Tuesday, April 10, 2018

Decision: X Approved
 Conditionally Approved
 Denied

The Board voted to accept Jurisdiction over the application.

The Board voted to grant waivers to LDR §'s 403.2D, 403.2, 403.1E, 403.2F, 403.1G, 403.2G, 403.2H, 403.2K, 403.2J because strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.

The Board voted that each of the SUP requirements of RZO §401.5 (1) - (4) were met.

The Board voted to approve the SUP and Subdivision Amendment as presented.

4/11/18
Date



William Epperson, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant: Tuck Realty Corporation

Owner: Robert Goss

Property: 0 Ocean Blvd, Tax Map 8 Lots 58 & 59
Single Residence District

Case: Case #11-2018

Application: **Major Subdivision** by Tuck Realty Corporation for property owned by Robert Goss and located at 0 Ocean Blvd, Tax Map 8 Lots 58 & 59 for a 5-lot subdivision. **Property is in the Single Residence District. Case #11-2018**

Date of Decision: Tuesday, April 10, 2018

Decision:

<input type="checkbox"/>	Approved
<input type="checkbox"/>	Conditionally Approved
<input checked="" type="checkbox"/>	Denied Jurisdiction

The Board voted to not accept Jurisdiction over the application because it is not complete per the reasons set forth in town counsel's memo of April 6, 2018. Application submittal and hearing continued to May 8, 2018.

The Board voted to have a site walk April 23, 2018 at 4:00 pm.

The Board voted to request an escrow of \$10,000 for reviews by Sebago, Atty. Donovan, Mark West/Joe Noel and the RPC.

4/11/18
Date


William Epperson, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Laurie & Michael Steinberg

Property: 17 Sea Glass Lane, Tax Map 16, Lot 71-3
Commercial District

Case: Case #08-2018

Application: Minor Site Development Plan by Laurie & Michael Steinberg for Amendment to Major Subdivision Development Plan, Condo Conversion, Conditional Use Permit and Lot Line subdivision for a retirement community development (RCD) to add a 4-season room 12'x16' to their 17 Sea Glass, Tax Map 16, Lot 71-3 property. **Property is in the Commercial District. Case #08-2018.**

Date of Decision: Tuesday, April 10, 2018

Decision: ☐ Approved
☐ Conditionally Approved
☒ Denied

The Board voted to accept Jurisdiction over the application.

The Board voted to continue the application to May 8, 2018. Staff to research prior board decisions for Sea Glass relative to screened in porches and/or decks.

4/11/18
Date


William Epperson, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Ronald & Ann Freeze

Property: 18 Glendale Road Tax Map 20.2, Lot 128
General Residence and Coastal Overlay District

Case: Case #09-2018

Application: Conditional Use Permit Application by Ronald & Ann Freeze for property located at 18 Glendale Road Tax Map 20.2, Lot 128 for an existing Accessory Dwelling Unit per Section 506 of the Rye Zoning Ordinance. **Property is in the General Residence and Coastal Overlay District. Case #09-2018.**

Date of Decision: Tuesday, April 10, 2018

Decision:

<input type="checkbox"/>	Approved
<input type="checkbox"/>	Conditionally Approved
<input checked="" type="checkbox"/>	Denied Jurisdiction

The Board voted to not accept Jurisdiction over the application because the dwelling unit does not comply with the requirements of RZO Sections 506.3, and 506.3M. The Board has no authority to waive those requirements.

4/11/18
Date


William Epperson, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Colin Enterprises, LLC

Property: 25 Lafayette Road, Tax Map 14, Lot 5
Commercial District

Case: Case #10-2018

Application: **Minor Site Development Plan** by Colin Enterprises, LLC for property owned by 123 Lafayette Road LLC and located at 25 Lafayette Road, Tax Map 14, Lot 5 to change the occupancy and business use for Mosquito Squad of Southern, NH to serve as office, administrative tasks and storage of trucks, equipment and pesticides. **Property is in the Commercial District. Case #10-2018.**

Date of Decision: Tuesday, April 10, 2018


Decision:

<input type="checkbox"/>	Approved
<input checked="" type="checkbox"/>	Conditionally Approved
<input type="checkbox"/>	Denied

The Board voted to accept Jurisdiction over the application.

The Board voted to approve the application subject to the following conditions: (1) Premises must comply with RZO Performance Standards of Section 306.7B; (2) Premises must comply with all state licensing requirements for pest control businesses.

4/11/18
Date


William Epperson, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant: The Housing Partnership

Owner: Rickert Inv Real Estate LLC

Property: 0 Airfield Drive, Tax Map 10, Lot 15-4
Commercial District

Case: Case #07-2017

Application: Major Subdivision, Lot Line Adjustment and Conditional Use Permit by the Housing Partnership for Property located 0 Airfield Drive, Tax Map 10, Lot 15-4 for construction of a residential development consisting of a mixture of multi-family dwellings with a portion being dedicated as Workforce Housing. Property is in the Commercial Zoning District and the Multi-Family Dwelling District Overlay and the Aquifer and Wellhead Protection District.

Date of Decision: Tuesday, April 10, 2018

Decision:

<input type="checkbox"/>	Approved
<input type="checkbox"/>	Conditionally Approved
<input type="checkbox"/>	Denied
<input checked="" type="checkbox"/>	Continued

The Planning Board unanimously voted to continue this application to the May 8, 2018 meeting.

4/11/18
Date


William Epperson, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Andy F. and Karlene T. Stecher

Property: 51 Park Ridge Ave. Tax Map 19.4, Lots 30 & 32
General Residence and Coastal Overlay District

Case: Voluntary Merger Request


Application: Voluntary Merger Application. 51 Park Ridge Ave. Tax Map 19.4,
Lots 30 & 32. **Property is in the General Residence and
Coastal Overlay District.**

Date of Decision: Tuesday, April 10, 2018

Decision: x Approved
 — Conditionally Approved
 — Denied

The Board voted to accept the application as presented.

4/11/18
Date



William Epperson, Chairman
Rye Planning Board

Rye Historical Society

The Historical Society is a tax exempt organization whose membership is open to all. Founded in 1976, as an off-shoot of the Rye Bicentennial Celebration, the Historical Society owns and operates the Rye Town Museum. The mission of the Rye Historical Society is to preserve the Town's past and appreciate its heritage by collecting and displaying hundreds of artifacts, documents, photos and oral histories at the Rye Town Museum. The museum houses significant primary source material including tavern ledgers, diaries, town government records, news clippings and other 19th and early 20th century items.

The Society has documented and restored old graveyards. Through on-going and special exhibits, regular public programs and museum hours, the society aims to engage people in the vital aspects of Rye's history so that current issues may be better understood and future plans respect the natural and human history of the Town. RHS is in the early stages of writing a new history of Rye which will utilize all of these resources.

The society has also created a road-by-road historic and cultural inventory of the Town which includes the location of many former buildings and much of the Town's human and natural history. It has also photographed most of the approximately 350 buildings and barns built prior to 1950 and is in the process of identifying specific addresses and histories of these structures. This initiative will contribute to the necessary project of a Historical Resources Inventory. This inventory will be overseen by the Rye Heritage Commission and will enhance preservation efforts.

Rye Historic District Commission

The Rye Historic District Commission was created by a vote of the people in 1966. The Commission is a land use board with members appointed by the Board of Selectmen. The HDC is committed to promoting preservation and maintenance of properties within the Historic District of Rye Center from the Veterans' monument to Grange Park and within 500 feet on either side of the centerline of Washington Road. Any visual modifications, improvements or other changes within the District must come before the Commission. Other properties included under HDC oversight are the 1874 Cable House at 20 Old Beach Road, the 1691 Brackett Massacre Site at 605 Brackett Road, and those islands of the Isles of Shoals annexed to Rye in 1876 (Luning, Star, White and Seavey). See the Historic District's website for HDC goals at: http://www.town.rye.nh.us/Pages/RyeNH_BComm/Historic/index.

Rye Heritage Commission

Establishment of the Rye Heritage Commission was in large measure the result of a need to provide an appropriate means for transfer of the historic World War II Pulpit Rock Tower from the New Hampshire Fish and Game Department to the Town of Rye, if and when conditions of transfer are met. A selectmen's article on the March 2011 ballot to establish a Heritage Commission was approved by voters. The Commission consists of five members appointed by the Board of Selectmen, one of whom shall be a Selectperson, plus five alternates.

The RHC promotes the proper recognition, use and protection of resources, tangible or intangible, primarily man-made, that are valued for their historic, cultural, aesthetic, or community significance within their natural, built or cultural contexts. The RHC has the authority to survey and inventory cultural resources conduct research and publish findings, assist the Planning Board, as requested, to review cultural or historic resource related sections of the Master Plan and advise, upon request, local agencies and boards on matters affecting or potentially affecting cultural and historic resources.

The RHC can also publish its activities, hire consultants and contractors, receive gifts of money and property, hold meetings and hearings as necessary and consult and collaborate with the Historic District Commission. A number of concerns brought forward during the 2005 Visioning Sessions fall under the purview of the newly established Heritage Commission. Unlike the HDC which has a finite area of responsibility, Heritage Commission powers apply to the Town as a whole.

Since holding its first meeting in November of 2011, the Heritage Commission has developed a program with goals to undertake: the updating of the Town's Historic Resource Inventory; the Old House Project; the Graveyard Project; preservation/restoration discussion of Town Hall; and continued interest in Pulpit Rock Tower. Collaboration with the Rye Historical Society and the State of New Hampshire Division of Historical Resources, as well as the use of its archives will provide important background and documentation.

Demolition Review Committee

Section 509 of the Zoning Ordinance of Rye, NH provides for a review prior to demolition of any building fifty years or older and five hundred feet or larger. The review focuses on criteria to determine if a building is "significant" as follows:

- A. The building is of such interest or quality that it would meet national, state or local criteria for designation as an historic, cultural or architectural landmark.
- B. The building is of such unusual or uncommon design, texture or materials that it could not be reproduced or could be reproduced only with great difficulty and expense.
- C. The building is of such historic, architectural or community value that its removal would be to the detriment of the public interest.
- D. Retention of the building would help preserve and protect an historic place or area of historic interest. The implementation of this review guarantees that if a significant structure is allowed to be demolished the committee will be able to photograph and even save features for posterity.

State Register of Historic Places

At present, three properties are listed on the NH State Register of Historic Places (site, date of listing, ownership): 10 Central Road Rye Town Hall RYE0016 04/29/2013; 251 Harbor Road Goss Farm Barn RYE0017 04/25/11 and 505 Ocean Boulevard Odiorne Farm RYE0005 7/30/2007. A number of other properties and districts in Rye would likely be eligible for the