

## **TOWN OF RYE – PLANNING BOARD**

Tuesday, April 11, 2017 – 7:00 p.m.

Town Hall

***Members Present: Bill Epperson, Mel Low, Jerry Gittlein, J.M. Lord, Patricia Losik, Selectmen's Representative Priscilla Jenness, Jeffrey Quinn and Katy Sherman.***

***Others Present: Planning Administrator Kimberly Reed***

### **I. Call to Order and Pledge of Allegiance**

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

### **II. Appointments:**

- **Chair**

**Motion by Mel Low to nominate Bill Epperson as chair. Seconded by Jerry Gittlein. All in favor.**

- **Open Member Seat (previously filled by Phil Winslow)**

**Motion by Bill Epperson to nominate Jeffrey Quinn to fill the open seat until the next election. Seconded by Mel Low. All in favor.**

- **Vice-Chair**

**Motion by J. M. Lord to nominate Patricia Losik as vice-chair. Seconded by Jeffrey Quinn. Vote: 6-0-1 Abstained: Patricia Losik**

- **Clerk**

The Board will address the clerk position at a future meeting.

### **III. Designation and appointment of alternates**

- **None**

#### IV. Approval of the March 2, 2017 meeting minutes

The following corrections were noted:

- Page 3, 6<sup>th</sup> paragraph from bottom should read: **Mr. Diodati stated that at the end of his meeting with Attorney McEachern, he stated that he would make a favorable recommendation to Mr. Georgopoulos.**
- Page 4, 4<sup>th</sup> line from bottom should read: **The poles will be set approximately 12ft into the ground with a 10x10 concrete pad a foot from grade level with loam and grass covering the pad.**
- Page 6, 2<sup>nd</sup> paragraph, 3<sup>rd</sup> sentence should read: **He would also like to see a list of locations where these have been installed with comments from owners on whether there has been any issues.**
- Page 6, 2<sup>nd</sup> paragraph from bottom, last sentence should read: **He noted that he is 100% supportive of the proposal and feels it is a good improvement.**
- Page 7, 3<sup>rd</sup> paragraph, 5<sup>th</sup> sentence should read: **If birds become a problem, he will look into something like that to control the issue.**
- Page 7, it should be noted that the vote on the motion made by Phil Winslow, and seconded by Keriann Roman, to accept jurisdiction over the Minor Site Development Plan by WBTSCC should have been:  
**Vote: 6-1 Opposed: Mel Low**
- Page 9, 2<sup>nd</sup> paragraph, 5<sup>th</sup> sentence from bottom should read: **The concerns were related to direct runoff from the development, induced flooding from roadway changes, rapid prolonged changes in water depth and roadside runoff.**
- Page 9, 3<sup>rd</sup> paragraph should read: **Christian Smith, Beal's and Associates, stated that he can supply the information to the Board.**
- Page 9, last paragraph was Attorney Donovan speaking not Attorney Loughlin.
- Page 11, 3<sup>rd</sup> paragraph, 7<sup>th</sup> sentence should read: **There will be 7 lots on one and 6 lots on another.**
- Page 13, 1<sup>st</sup> paragraph, 7<sup>th</sup> sentence should read: **This would indicated there is a lot of reactivity below the surface because of the permeability of materials and the proximity to the wetlands.**
- Page 16, 1<sup>st</sup> paragraph, 3<sup>rd</sup> sentence should read: **One microburst or one fire on the site, would be all it would take to negatively impact the wetlands.**
- Page 17, It should be noted that **after the motion by Phil Winslow, Selectmen's Representative Priscilla Jenness was reseated.**
- Page 18, 1<sup>st</sup> correction bullet under the February 8<sup>th</sup> minutes: its - should be it's
- Page 18, 2<sup>nd</sup> correction bullet under the February 8<sup>th</sup> minutes: If it is going to enter – should be

- Page 18, 1<sup>st</sup> correction bullet under the February 14<sup>th</sup> minutes: the condition use permit - should be the **conditional use permit**.

**Motion by Jeffrey Quinn to approve the minutes of the March 2, 2017 meeting as amended. Seconded by Mel Low. All in favor.**

**V. Submittal of Applications for Determination of Completeness (Not a public hearing) – Action Required:**

- a. Application by Eversource Energy to trim and remove trees and brush adjacent to and beneath some of its power lines within town for utility line upgrade along scenic roads within the Town. All roads have been designated a scenic road by the Rye Town Meeting. The work is necessary to insure the safe distribution of power and to improve the reliability of electric service. The work to be done will occur along various roads and streets. Case #05-2017

Chairman Epperson noted that he has reviewed the packet and it seems to be complete.

Member Quinn stated this is not the first application that the Board has received from Eversource. He asked if the same requirements would apply to all applications. All that is being changed for conditions is the location of the work. All the other requirements of Eversource ought to be well established at this point.

Chairman Epperson explained this is a case by case basis. There was an application before the Board about two years ago, which was approved but has expired. Eversource is now back for the same thing again. He asked the representative for the application if there is a difference in work being done now as to what was done before.

**Nick Constantargus, representing Lewis Tree Services**, noted that line upgrades means they are cutting everything out of the way regardless of size to put new lines in.

Chairman Epperson pointed out that this was going on at the end of Washington Road. There was a lot of criticism as to how much was taken out. He asked if the trees that were cut down were actually on people's property with permission from the owner.

Mr. Constantargus confirmed.

Selectman Jenness noted that there had been a lot of complaints. When the proposal went to the Selectmen, it was inserted that they had to contact every person and tell them that they have the right to refuse. If a property owner does decline, it then becomes their responsibility.

Referring to the utility upgrade, Chairman Epperson asked if this is a drastic cutting.

Mr. Constantargus explained that this is specifically for the trees that have been marked as hazardous. Eversource will seek approval from the town for the trees in the right-of-way. After that, they will start contacting property owners.

Referring to the package submitted, Chairman Epperson stated that he does not see anything missing.

**Motion by J.M. Lord to move the application to a public hearing. Seconded by Mel Low. All in favor.**

## **VI. Public Hearings on Applications:**

- a. Application by Eversource Energy to trim and remove trees and brush adjacent to and beneath some of its power lines within town for utility line upgrade along scenic roads within the Town. All roads have been designated a scenic road by the Rye Town Meeting. The work is necessary to insure the safe distribution of power and to improve the reliability of electric service. The work to be done will occur along various roads and streets. Case #05-2017

Chairman Epperson stated that the application indicates that there are three trees on Wallis Road and one tree on South Road. He asked if this is correct.

Mr. Constantargus confirmed.

Chairman Epperson asked how many contacts have been made with residents who do not want their trees cut.

Mr. Constantargus explained that he has met with a lot of people. Probably between 20 and 30.

Referring to the mailers that are sent to residents, Member Losik asked if the subcontractor's phone number could be added so people could call them directly.

Mr. Constantargus confirmed.

Member Losik asked what kind of information people get from Eversource when they call.

Chairman Epperson noted that he called Eversource and his information was taken. Eversource responded within three days.

Member Losik asked the difference between the colors of the ribbons on the trees.



Mr. Constantargus explained there have been some discussions with people regarding things on their properties that they said were okay to remove. The trees with the blue and white ribbons were marked by the forester from Eversource for removal.

Member Sherman asked how much time is involved in taking down a tree.

Mr. Constantargus explained that the trees are identified and the property owners will then be contacted, assuming the Town of Rye has approved the removal.

Member Losik noted that the stumps from the trees cut on Washington Road are not flush cut stumps. She asked what the routine is for the stump height.

Mr. Constantargus explained that typically they cut stumps down to the grade. He is not sure why the stumps were left on Washington Road.

Chairman Epperson commented that the Public Works Director may have an answer.

Mr. Constantargus noted that for the tree removals there will not be cards going out. Each property owner will be contacted directly.

Member Losik commented that the letters that go out by the Town should include the phone number in case someone wants to contact the arborist.

Selectman Jenness pointed out that it could be put on the Town's website.

Chairman Epperson opened to the public for questions.

Member Lord asked if maintenance can occur with the Board of Selectmen's approval. Does the removal of trees require Planning Board approval?

Chairman Epperson explained the trees cannot be removed because they are all scenic roads.

**Peter Crawford, 171 Brackett Road**, read from RSA 231:158 II regarding the removal of trees from designated scenic roads, which must have the prior written consent of the planning board. He does not see why trimming isn't cutting and why they have not violated the statute. He does not know how trees can be trimmed without cutting.

Chairman Epperson stated this is a legitimate question. The Selectmen approved this and sent this to the Planning Board because it is for the removal of trees.

Mr. Crawford noted that back in August when this issue came before the Planning Board, some conditions were imposed. It seems that the same conditions should be followed this time, which is basically to have something in writing that specifies exactly what is going to be done with the homeowner's signature. He heard this at the Selectmen's meeting last month and it seems that

this is kind of lose. Eversource tries to talk to the homeowner but does not necessarily tell them they have the right to refuse, unless they are asked.

Member Losik pointed out that this was part of her suggestion of increasing the likelihood of communication between the homeowner and the subcontractor.

Mr. Crawford stated that there should be focus on the homeowners getting the right information and having them sign off. This was agreed to and is noted in the August minutes. *(He read the conditions listed in the August Planning Board minutes. He submitted a copy of the Administrative Rules that sets the standards on the tree cutting.)*

Chairman Epperson asked when the project is supposed to begin.

Mr. Constantargus stated that after approval from the Town they will start contacting property owners that have trees that are marked to be cut.

Chairman Epperson asked if it would be possible to take the list of property owners and write to them in regards to the trees being cut down, unless Eversource hears from the homeowner.

Mr. Constantargus agreed. He will speak with Bob Brenier from Eversource.

There was discussion on possible conditions for the application approval.

Hearing no further questions from the public, Chairman Epperson closed the public hearing at 7:52 p.m.

**Motion by Jeffrey Quinn to accept jurisdiction on Case #05-2017. Seconded by Jerry Gittlein. All in favor.**

**Motion by Patricia Losik to grant the application of Eversource, Case #05-2017, with the following conditions;**

- 1. Eversource obtains approval from the property owners in writing, which includes property owners that have trees in the right-of-way, for permission to trim and to remove trees and brush adjacent to their property;**
- 2. Eversource inform property owners in writing that they have the right to refuse the cutting or pruning; and**
- 3. Eversource conforms to RSA 231:172 and Administrative Form PUC 307.10.**

**Seconded by Jerry Gittlein.**

Member Quinn stated that the Board cannot keep revisiting this issue over and over. A list of criteria should be established for Eversource and other utility companies that want to do this.

Planning Administrator Kimberly Reed explained that there are guidelines in place. It is because the Town of Rye designated the town's roads as scenic roads. Cutting trees on scenic highways

requires an application to the town. The guideline is set by the RSA. The application must go to the Planning Board.

Chairman Epperson pointed out that this application should not have gone to the Selectmen first. It should have come to the Planning Board. In the future, Eversource should bring all applications for tree pruning and cutting to the Planning Board to avoid any confusion.

Chairman Epperson opened to Attorney Tim Phoenix a member of the public.

Attorney Phoenix read from **RSA 231:172**, regarding homeowners having the right to request consultations within 45 days of the receiving the notice.

Member Low stated that the Selectmen have a way to notify the citizens. He asked if the Planning Board is going to take on that responsibility.

Chairman Epperson stated the Planning Board has the responsibility of not creating confusion within the Town, which has obviously been created in this particular case. He suggested that the Rules and Regulations Committee look at this for the future.

Selectman Jenness noted that the utility poles are set in the town right-of-way. She asked the proper distance for a person planting a tree, which is going to grow and mature, in order to not run into this problem. People plant trees under the lines all the time and become upset when it has to be trimmed.

Member Lord asked if the Selectmen have jurisdiction over trees in the town right-of-way. If the Selectmen has given their approval, then it would not be the property owner's say because it is not on their property. If all the power lines are within the town right-of-way, the Selectmen would certainly have the ability to give that approval. He asked if it should be the Planning Board's responsibility or the Selectmen's.

Chairman Epperson commented that someone needs to take responsibility for the agenda in order for this to happen. He thinks the Planning Board needs to do that.

Chairman Epperson reclosed the public hearing at 8:01 p.m.

**Vote: 5-2**

**Opposed: Jeffrey Quinn and Mel Low**

- b. Major Subdivision, Lot Line Adjustment and Conditional Use Permit by Harbor Street Limited Partnership of Stratham NH for properties located at 421 South Road, Tax Map 4, Lots 25, 27, 31 & 32 for a subdivision. Properties are in the Single Residence District and within the Aquifer and Wellhead Protection District. Case #13-2016.

- **Continued to the May 9, 2017 meeting.**

**Motion by Mel Low to continue the application of Harbor Street Limited Partnership to the May 9<sup>th</sup> meeting. Seconded by Patricia Losik.**

**Vote: 6-0-1**

**Abstained: Priscilla Jenness**

Chairman Epperson noted that a significant amount of information has been received for the application. He asked the Board if they would consider holding a work session for the application.

**Motion by Jeffrey Quinn to approve a work session for Harbor Street Limited Partnership application. Seconded by Mel Low.**

**Vote: 6-1**

**Abstained: Priscilla Jenness**

There was discussion on a possible date for a work session. It was the consensus of the Board to hold the work session on April 26<sup>th</sup> with a time to be determined by the Planning Administrator working with the applicant and his representatives.

**Motion by Mel Low to hold a work session on Wednesday, April 26<sup>th</sup>. Seconded by Jeffrey Quinn.**

**Vote: 6-1**

**Abstained: Priscilla Jenness**

**Motion by Patricia Losik to take New Business out of posted agenda order. Seconded by Jerry Gittlein. All in favor.**

## **VII. New Business**

- a. Request for Exempt from Site Review for 365 & 371 Sagamore Road

**Attorney Tim Phoenix, representing Jennifer Madden**, spoke to the Board. He explained that 365/371 Sagamore is the location of the former Periwinkles Clothing Store with a separate dwelling. Ms. Madden has purchased the property for the location of her real estate office. She

went through the procedures to get all the permits needed. The Building Inspector, Peter Rowell, made a determination that Site Review was needed. He continued that he has since gotten involved and reviewed the proposal. He does not believe that Site Review is needed, which has led to the request for exemption. Periwinkles retail unit required one parking space for every 200sf. The building is about 1540sf so that use would need 8 parking spaces. The parking requirement for an office is either one for every 250sf or 300sf. Either way, the parking is less than that of Periwinkles. The real estate office would be a less intensive use than a retail store. He continued that when a use is changed, the Site Review Regulations have to be reviewed to determine whether Site Review is needed. The building was built in about 1930. The parking that exists, which sometimes requires backing onto Sagamore Road, has been going on for 80 years. This is a grandfathered use. The Land Development Regulations (LDR) were reviewed to determine what regulations were needed. *(He reviewed the regulations.)* He noted that there will not be any changes to the environment. The only change to the building is an additional door and the repair of some windows to the front. Everything else is staying the same. *(He read from LDR Section 201.2 C.)*

Referring to the addition of the door, Chairman Epperson asked if this was always there in the front.

Attorney Phoenix explained the door was there years ago and the applicant is putting it back in.

Chairman Epperson asked where the entrance was located for Periwinkles.

Attorney Phoenix replied that it was on the side. There is a side entrance as well. *(He continued to read from the LDR.)* He thinks it is clear that Ms. Madden's present use of the property is entitled to follow the planning that was done in 2000, which was approved by both the Planning Board and Zoning Board, until changes are made that would trigger the Site Review requirement.

Chairman Epperson stated that he thinks this has gotten out of control. Periwinkles has been there for a long time. The only objection that anyone had was on the parallel parking that backed out onto Sagamore Road. He believes that Police Chief Walsh has been asked if there have been any accidents there since he has been chief of police and he has said no.

Attorney Phoenix stated that there have been accidents along that stretch but nothing relating to this property.

Chairman Epperson stated that he has reviewed the proposal and the regulations. He does not see where a Site Plan Review would be necessary. There is nothing going on there that has not been going on for years and the intensity is less.

**Motion by Jeffrey Quinn to concur with the applicant and grant an exception to the Site Review. Seconded by Patricia Losik.**

Chairman Epperson opened to the public for comments.

Peter Crawford commented that he drives by the property all the time and has never seen the lot full.

Hearing no further comments, Chairman Epperson closed the public hearing at 8:15 p.m.

Member Quinn stated the applicant has done all they can do to alleviate the backing out onto Sagamore Road.

Chairman Epperson noted there are place in Town where the parking is totally out of control. Those are the places where the Planning Board should be making decisions.

Member Lord asked if the owner will have to come back if the gravel area is going to be paved over. He continued that he agrees that the parking is good and it will be less intensive use.

Attorney Phoenix stated that there is no present plan to do any of the gravel. His opinion is that if they do more than 400sf then they would have to come back to the Board.

Referring to the tax card, Selectman Jenness pointed out there is a former entrance on the right. She asked what happened to the entrance.

**Jennifer Madden, applicant**, replied that it is still there. It is a second egress. One of the entrances on the side is compliant with American with Disabilities Act (ADA) with a ramp. There is a door on the other side of the building and one in the front. She noted that ramp will be left intact

Chairman Epperson reclosed the public hearing at 8:17 p.m.

**Vote: All in favor.**

b. Request for Exempt from Site Review for 25 Sagamore Road

**Michael Labrie, applicant**, spoke to the Board. He stated that the application does not have a change of use. It has a change in occupant. There is a new tenant going in with essentially the same use that has been occurring there for 18 years. *(He reviewed the criteria for a Site Review.)* He noted there is no building addition, no expansion of parking, no surfacing of parking areas, no change of use and no intensification. The sewer is now available in this area. This building will be tied into the sewer line as part of this occupancy. The business is going to remain a market and café'. There will be some tables inside and some outside just like it has been. The current site was designed by state engineers at the time the intersection was redone, approved by the Selectmen and a town wide vote. He reiterated that there are no changes proposed under this change of occupancy application. There are no problems that are anticipated.

**Motion by Jeffrey Quinn to take jurisdiction over the application. Seconded by Patricia Losik. All in favor.**

Chairman Epperson opened to the public.

Mr. Crawford asked if this involves the former cabins across the street.

Mr. Labrie replied no.

Chairman Epperson closed the public hearing at 8:25 p.m.

**Motion by Jeffrey Quinn to exempt 25 Sagamore Road from Site Review. Seconded by Mel Low. All in favor.**

c. 243 Central Road Escrow Extension

**Dan Philbrick, applicant**, spoke to the Board in regards to his request for an escrow extension for the project at 243 Central Road. He noted that he moved some fill to the property from the Crown Colony in order to replace the septic at that property. Once the septic was complete, the fill would be moved back to the Crown Colony. The Building Inspector said this was fine. When this was done, there was some concern that the fill was too close to the wetlands. He pointed out that they have since stop bringing the fill over. The loam is going to come off the site within 2 weeks. He has been working on other jobs with other properties in Town and has not been able to start on this property.

Chairman Epperson opened to the public.

Mr. Crawford commented the escrow is to be sure the property is cleaned up. This was supposed to be done by a certain time. He asked if this is a request to extend that time.

Chairman Epperson confirmed. He stated that the building that was on the property has been removed and remediated with the exception of the top soil. That will be removed and it will be an empty lot essentially.

Chairman Epperson closed the public hearing at 8:30 p.m.

**Motion by Jerry Gittlein to grant a two year extension for 243 Central Road. Seconded by Jeffrey Quinn. All in favor.**

d. Letter by Building Inspector to Whitehorse HOA – *For the Board's information*

Chairman Epperson explained that over the past few years the Town has been trying to get their arms around the homeowner's associations and what their responsibilities are. The Building Inspector had sent a letter to the Whitehorse Homeowner's Association. The president of the association immediately came in to the Building Department to discuss the issues and is in on board with getting the homeowners to conform. He noted that there are items in the



homeowners' regulations that they would like to have changed. These items would have to be brought to the Planning Board.

The Board reviewed the letter from the Building Inspector to the Whitehorse Homeowner's Association.

There was some discussion on the monitoring and enforcement of the conditions that have been put on subdivisions over the years.

**VIII. Communication:**

- a. Request for Aquarion Well on Central Road Aquifer protection  
*Please see attached*

A letter was received from Dominique and Sam Winebaum with regard to their concerns that Aquarion Well is not part of the Aquifer Protection.

Chairman Epperson suggested that the letter be given to the Rules and Regulations Committee for their recommendation.

**IX. Payment of Escrows:**

- A. Sebago Technics – \$484.00 – Harbor Street Limited Partnership
- B. Attorney Donovan - \$1,327.28 – Harbor Street Limited Partnership
- C. Steve Pernaw - \$230.00 – Harbor Street Limited Partnership

**Motion by J.M. Lord to pay the invoices for the Harbor Street Limited Partnership as presented. Seconded by Mel Low. All in favor.**

- Appointment of Sub-Committees

**Rules & Regulations:**

- Patricia Losik
- Anne Richter Arnold
- Jeffrey Quinn

**Technical Review Committee:**

- J.M. Lord
- Bill Epperson
- Jerry Gittlein



**Long Range Planning**

- Katy Sherman
- Mel Low
- Priscilla Jenness

**Capital Improvements Plan Committee:**

**Representative from the Planning Board is needed.**  
*To be addressed at a future meeting.*

**Rockingham Planning Commission:**

**Representative from the Town is needed.**  
*To be addressed at a future meeting.*

**X. Other:**

The Board expressed their gratitude to past board member Phil Winslow for his service and dedication to the Planning Board over the years. Phil has stepped down from the Board as he is now serving as a Selectman. He has served as vice-chair of the planning board and on many committees for the Town. The many hours of work and effort that he has contributed is appreciated by all.

**Adjournment**

**Motion by Mel Low to adjourn at 9:01 p.m. Seconded by Patricia Losik. All in favor.**

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

Respectfully Submitted,  
Dyana F. Ledger

attachment  
4-11-17

Dear Members of the Rye Board of Selectmen,

April 1, 2017

Please accept my resignation from the Rye Planning Board effective immediately. I have been pleased to serve on the Planning Board for the past five years however with my new position as Rye Selectman I will be no longer allowed to continue to serve in this capacity.

Sincerely,

Phil Winslow

Attach minutes  
4-11-17

**Kim Reed**

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**From:** Michael Magnant  
**Sent:** Friday, March 17, 2017 12:48 PM  
**To:** Kim Reed  
**Subject:** eversource  
**Attachments:** Letter to property owners - tree removal.docx

Kim,

FYI. In case it comes up during the meeting.

I know Eversource has applied to the PB for permission to remove trees. They were in front of the BOS last night. The Selectmen want us to continue to send letters to homeowners informing them of their right of refusal, as the mailer Eversource uses isn't clear on that issue. See attached. It will go out to all abutters on the maps they gave the town.

Mike

**Michael J. Magnant**

Town Administrator  
Town of Rye, NH  
10 Central Rd  
Rye, NH 03870  
Tel: (603) 964-5523

March 20, 2017

Dear Property Owner:

You may have been recently contacted by Eversource to remove or significantly trim trees along the roadway that are on your property. According to Eversource officials, all trees that the utility marked with a ribbon are scheduled to be removed or extensively trimmed very shortly. As the property owner, you do have the right to refuse any request to remove or trim the trees on your property.

The Board of Selectmen would like you to know that it has been the Town's policy to trim trees whenever possible and to not remove trees in the right-of-way unless absolutely necessary.

In many cases, the trees along the roadway provide a buffer for your property and maintain the rural character of the Town. Please give this your consideration before allowing trees to be removed that may never be replaced. However, we are also sympathetic to Eversource's need to keep power lines free from obstructions that can cause power outages. During the recent snow storm Stella, approximately 51% of the homes in Rye lost power partially due to tree limbs falling on power lines. You may want to meet with the Eversource Arborist to discuss your options before giving your approval.

If you have any questions or would like to discuss specific situations, please contact the Selectmen's Office at 964-5523.

Thank you,

Michael Magnant  
Town Administrator

attach minutes  
4-11-17



APPROVED

Request for Site Review Exemption, 25 Sagamore Road.

April 5, 20017

Michael Labrie

Planning Board members and representatives,

I am writing at the request of the town to explain why I believe that my application for change of occupancy at 25 Sagamore Road does not require review by the Planning Board.

Although, it is my intention to come before the Town with an application for the redevelopment of the site later this Spring, I do not feel that it is fair to prevent this new business from proceeding in their efforts to complete their interior fit-up in preparation for the upcoming season. Indeed, their use is essentially the same as has been conducted in the premises for the prior 18 years without incident. It has operated as a café/market during this entire time with up to 30 seats and my new tenant proposes to operate with 24 seats.

I will answer the points in your exemption criteria below:

C. Exempt site developments are those site developments which involve only minimal changes to the site and environment. Review is not required for:

1. A building addition having ground coverage of 100 square feet or less.

*There is no building addition.*

2. Expansion of any parking areas, driveways or loading/unloading areas by 400 square feet or less.

*There is no expansion of parking.*

3. The surfacing of existing unsurfaced parking areas, driveways or loading/unloading areas of 400 square feet or less.

*There is no surfacing associated with this application.*

4. Changes in use (including use intensification) which do not expand a building or involve construction on the site, provided that:

a. No additional off-street parking is required;

*No additional off street parking is required and nearly twice what is required is available.*

b. Sanitary waste loading of the site does not increase beyond that which the site can absorb.

*Our engineers are currently making arrangements to tie into new sewer line which is onsite. This will be completed this Spring. The current septic system has never shown signs of stress.*

c. No adverse impacts beyond site boundaries will occur, including but not limited to:

- Increased traffic hazards

*The current site configuration was designed by the State with two access points and has proven to be very safe. It does not change under this application.*

- Groundwater and drainage

*No changes proposed, no problems exist. Site is currently served by 3 storm water catch basins.*

- Sanitary & solid waste disposal

*No problems exist, sanitation can only improve with sewer hook-up.*

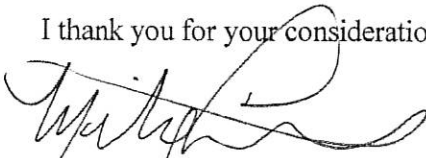
- Lighting

*Currently approved lighting configuration will not be changing under this application.*

- Noise Pollution. *NA*

- Air pollution. *NA*

I thank you for your consideration,



Michael Labrie

Bluestone Properties of Rye

Attach minutes  
4-11-17

**Kim Reed**

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**From:** Samuel Winebaum <samwine@comcast.net>  
**Sent:** Tuesday, April 11, 2017 1:51 PM  
**To:** Kim Reed  
**Cc:** Michael Magnant; Dominique Winebaum  
**Subject:** This evening's Ddscussion of letter regarding Aquarion Well on Central Road referred by Selectmen  
**Attachments:** Aquarion Well 5A.pptx; ATT00001.htm

Kim

Dominique and I are unable to attend this evening's Planning Board meeting where we see the referenced agenda item.

Please forward this email and attached ppt to the Board.

The Aquarion 5A well supplies water to residents served by Aquarion at least in the Jenness Beach Village District.

We are unsure as to how much of the public water supply comes from this well as we know it is mixed with other Aquarion supplies but we have heard it is highly productive.

I have attached a radius overlay centered on the well as well as the town Aquifer map with wellhead protection and wetlands illustrated,

While Aquifers do not follow such a precise radius we know the well is only 20'-30' deep...and at this point has zero formal and specific to this well Town wellhead protection radius or complete Aquifer protection as Water District wells have.

Experts would have to say what exactly its recharge area is but there is a wetland running behind the well towards Love Lane and the brook there.

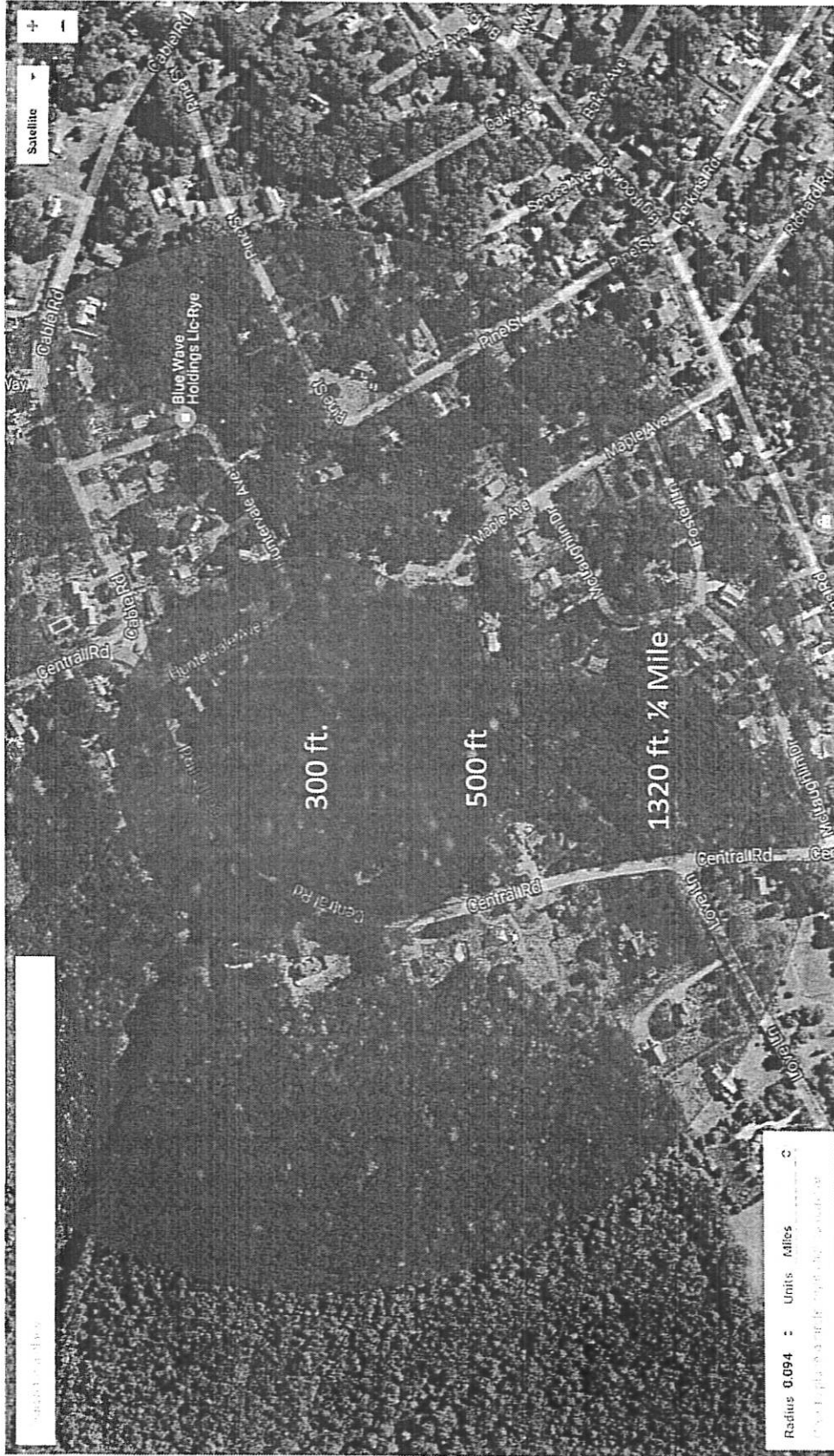
Aquarion has not been pro active with protecting this water supply and with rising PFC etc.. in samples, not to speak of its close proximity to many homes including some recently approved and built across with no conditions we hope the Planning Board will be proactive in protecting this water supply and take action.

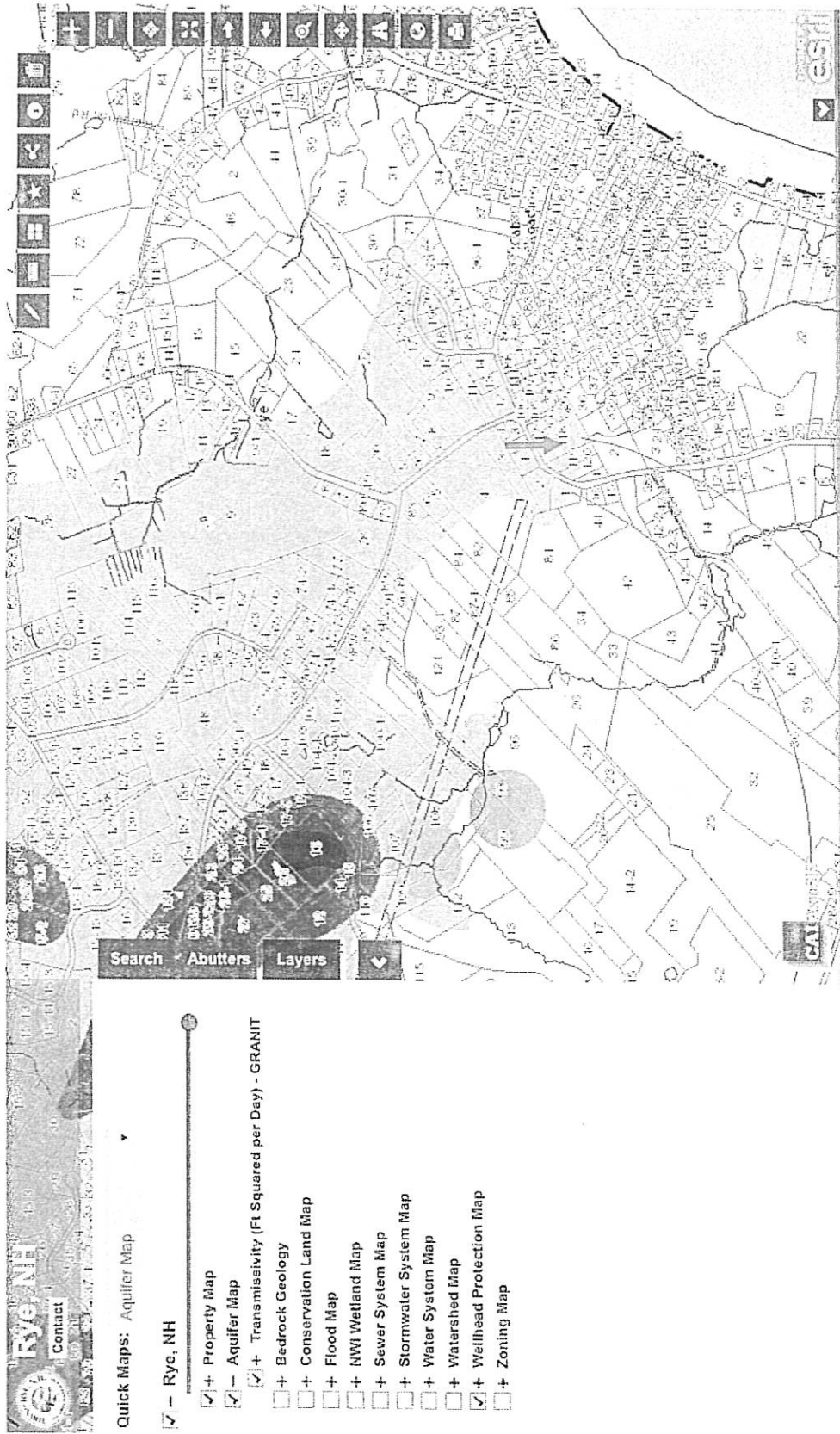
Thanks for the Planning Board consideration,

# Central Road Aquarion Well 5A









## Kim Reed

---

**From:** Kim Reed  
**Sent:** Tuesday, March 28, 2017 12:23 PM  
**To:** William Epperson; 'Phil Winslow'; Janice Ireland; 'patlos@comcast.net'; 'P. E. J. M. Lord (Jmlord560@gmail.com)'; Melvin R. Low (jeanandmelvin@myfairpoint.net); Anne Richter Arnold; Katy Email; Jeffrey A. Quinn (Jeff.quinn@comcast.net); Jerry Gittlein (jaggittlein@yahoo.com); 'Priscilla Jenness' (pjenness@comcast.net); knkr912@gmail.com  
**Cc:** Michael Donovan  
**Subject:** FW: JBVD -- annual meeting  
**Attachments:** Minutes of meeting 7-13-16.pdf; ATT00001.htm

Dear Planning Board Members.  
Please see the request by Dominique Winebaum below.

Kimberly M. Reed, CFM  
Planning & Zoning Administrator  
Town of Rye  
10 Central Road  
Rye, NH 03870  
Phone: 603-964-9800 ext 132

**From:** Janice Ireland  
**Sent:** Tuesday, March 28, 2017 12:20 PM  
**To:** Kim Reed <kreed@town.rye.nh.us>  
**Subject:** FW: JBVD -- annual meeting

Kim,  
The Selectmen have asked me to forward Mrs. Winebaum's email to the Planning Board for their consideration.  
  
Thank you,

Janice Ireland  
Selectmen's Executive Assistant  
10 Central Road  
Rye, NH 03870  
(603) 964-5523  
(603) 964-1516 - fax

**From:** Michael Magnant  
**Sent:** Wednesday, March 22, 2017 12:27 PM  
**To:** Janice Ireland <Jlreland2@town.rye.nh.us>; Bill Epperson (bepperson@consolidatedmarketing.com) <bepperson@consolidatedmarketing.com>; Kim Reed <kreed@town.rye.nh.us>  
**Subject:** FW: JBVD -- annual meeting

Janice,

BOS Agenda item please. Correspondence.

Thanks.

**From:** Dominique Winebaum [mailto:[domiwine@comcast.net](mailto:domiwine@comcast.net)]  
**Sent:** Wednesday, March 22, 2017 11:33 AM  
**To:** Michael Magnant <[MMagnant@town.rye.nh.us](mailto:MMagnant@town.rye.nh.us)>  
**Subject:** Re: JBVD -- annual meeting

Dear Mike Magnant,

I would appreciate it if you could forward my email to the members of the Planning Board regarding the need for a wellhead/aquifer protection ordinance in regards to Well 5A on Central Road. As a resident of the Jenness Beach Village District (JBVD), I am requesting that Planning Board members take notice that the Rye Water District is not the only water entity/supplier in the Town of Rye and that a Wellhead/Aquifer Protection Ordinance is long overdue for our district. Please see draft chapter of the Coastal Hazards and Climate Adaption Chapter (p.15). It is the responsibility of the Planning Board to enact ordinances to protect residents and our water supply.

Please also include my concerns regarding the lack of a follow-up from the JBVD Commissioner, Randy Crapo, and his "assistant" Deb Crapo regarding the "water quality" committee that was formed at the annual meeting of the JBVD in 2016. I have attached (again) the minutes of the only meeting that took place in July 2016. I have a number of concerns to be sure that could not be addressed given the lack of follow-up/responses from our Commissioner(s).

Also, I would appreciate it if you could bring my email to the attention of our Board of Selectmen. In a letter to the editor dated March 21, Phil Winslow thanked "Rye voters" for endorsing his candidacy as Selectman and reiterated his commitment to "protect our precious drinking water resources." <http://www.seacoastonline.com/news/20170321/thank-you-rye-voters>

I will also mentioned the fact that it has been a year now since "Outdoor Pride" came before the Planning Board in regards to a 2000 square feet greenhouse to be erected in the Aquifer Protection District. [http://www.town.rye.nh.us/pages/RyeNH\\_PlanningMin/2016%20PB%20Minutes/PB\\_Minutes\\_3-01-16.pdf](http://www.town.rye.nh.us/pages/RyeNH_PlanningMin/2016%20PB%20Minutes/PB_Minutes_3-01-16.pdf) See the motion, on page 6. I had brought this matter to your attention in an email dated March 23, 2016.

Regards,  
Dominique Winebaum



**TOWN OF RYE • OFFICE OF SELECTMEN**  
**10 Central Road**  
**Rye, NH 03870-2522**  
**(603) 964-5523 • Fax (603) 964-1516**

*Attach minutes  
4-11-17*

April 4, 2017

Bill Epperson, Chairman  
Rye Planning Board  
10 Central Road  
Rye, NH 03870

Dear Mr. Epperson,

At the Board of Selectmen meeting held on March 27, 2017, the Board received an email from Mrs. Winebaum, regarding her concerns for the need of a wellhead/aquifer protection ordinance in regards to Well 5A on Central Road. The Board voted to send the email to the Planning Board for their consideration. Please find the email as well as the attachment she mentions enclosed.

Please don't hesitate to contact me with any questions or concerns by phone at 964-5523 or by email at [mmagnant@town.rye.nh.us](mailto:mmagnant@town.rye.nh.us).

Sincerely,

Michael Magnant  
Town Administrator

Enclosure

## Janice Ireland

---

**From:** Michael Magnant  
**Sent:** Wednesday, March 22, 2017 12:27 PM  
**To:** Janice Ireland; Bill Epperson (bepperson@consolidatedmarketing.com); Kim Reed  
**Subject:** FW: JBVD -- annual meeting  
**Attachments:** Minutes of meeting 7-13-16.pdf; ATT00001.htm

Janice,

BOS Agenda item please. Correspondence.

Thanks.

**From:** Dominique Winebaum [mailto:domiwine@comcast.net]  
**Sent:** Wednesday, March 22, 2017 11:33 AM  
**To:** Michael Magnant <MMagnant@town.rye.nh.us>  
**Subject:** Re: JBVD -- annual meeting

Dear Mike Magnant,

I would appreciate it if you could forward my email to the members of the Planning Board regarding the need for a wellhead/aquifer protection ordinance in regards to Well 5A on Central Road. As a resident of the Jenness Beach Village District (JBVD), I am requesting that Planning Board members take notice that the Rye Water District is not the only water entity/supplier in the Town of Rye and that a Wellhead/Aquifer Protection Ordinance is long overdue for our district. Please see draft chapter of the Coastal Hazards and Climate Adaption Chapter (p.15). It is the responsibility of the Planning Board to enact ordinances to protect residents and our water supply.

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Regards,



**Draft** Report of the Water Quality Committee meeting with Aquarion  
held on July 13<sup>th</sup> 2016 at 7 PM.

Present: JBVD Commissioner Randy Crapo, who attended on behalf of Commissioner Bill Christo, Dominique Winebaum, who attended on behalf of Sam Winebaum as he was out of town, and JBVD Secretary/Treasurer Deb Crapo. Aquarion Water Company Operation Manager, Carl McMorran.

Deb Crapo organized the meeting for the members of the Water Committee to meet with Mr. McMorran from Aquarion (an email was sent to the members with the notice of the meeting on July 11<sup>th</sup>).

The meeting took place at the site of Well 5A / TANK on Central Road.

Meeting started at 7:00 PM.

Mr. McMorran provided a copy of the laboratory reports for samples collected from Well 5A – samples were collected on April 4<sup>th</sup> 2016. *(Editor's notes: Sam Winebaum has requested Mr. McMorran via email a digital copy of the laboratory report so the results can be posted on the Town website.)*

Mr. McMorran explained that Well 5A (located on Central Road) is one of the sixteen wells that Aquarion has in their fleet of water supply wells. He stated that the other wells are located in North Hampton, Hampton, and Stratham. Aquarion serves the Rye Beach Precinct and the Jenness Beach Village Precinct. The service from Aquarion and predecessor companies goes back to the 1930s.

He went on to provide the following information. The area serviced by Well 5A is a reduced pressure zone; in fact there are a

number of valves to reduce the pressure otherwise the pressure would be over 100 PSI. In the event of a fire, there is a big diesel fuel fire pump that will boost the pressure and which responds to sensors located in the fire hydrants.

The Tank is fed with water from any of the other Aquarion wells depending on demand. There is talk of a connection with the Rye Water District, but only for Emergency purposes. Well 5A was replaced in 2008. The water is cycled every day to keep it fresh. It is a ground storage tank. It is a 18-inch casing and it is only 30 feet deep, it is a fairly shallow aquifer. There is a layer of clay, which helps seal off the underlying aquifer from surface level contamination. Then there is a layer 20 feet thick/deep of sand and gravel, which transmits water pretty well, which is the reason there is a production well at the site. Below the sand and gravel there is bedrock.

Per question of Dominique Winebaum regarding a Wellhead Protection ordinance, Mr. McMorran, replied that he would be in favor. *(Editor's notes: Rye adopted an Aquifer and Wellhead Protection Ordinance in 2008, which was revised in 2014, to protect the Rye Water District Wellhead Area. The Aquifer Protection for the Rye Water District barely reaches the area of the 5A well on Central Road. Sam Winebaum, who is heading the Committee, is following up with Mr. McMorran to potentially expend the protection area.)* There was discussion about the newly built house within proximity of the well, as well as the recent subdivision across the street (two homes), which would have been subjected to meet the requirements of a wellhead/aquifer protection ordinance, had there been something in place. There was minimal notice to Aquarion in terms of the construction of the house so close to well 5A.

Mr. McMorran stated that every three years, the Company conducts a Best Management Practice survey and businesses are



inspected to ensure that State Law regulations are met. There was some discussion about the use of fertilizers.

Mr. McMorran stated that the water quality is really good and that all they do is add Chlorine as a disinfectant. He explained that in other wells, they use Phosphate to control erosion due to high level of iron and manganese, which is not needed here. However, they add Caustic Soda to elevate the PH, between 7 and 8. He admitted that the water is fairly hard and called it an "aesthetic issue" as opposed to a "health issue."

Deb Crapo reported Sam Winebaum's question regarding the potential presence of "nasty chemicals." Mr. McMorran mentioned the compounds perflouridated hydrocarbons (PFCs) and that Aquarion is going to conduct another round of testing in the upcoming month. He stated that over the past couple of years, the Company had "one hit" of PFCs and that the Lab did not want to call it a false positive, but he thought it was a false positive. They have not found any level that they would be concerned about.

Deb Crapo reported another question by Sam Winebaum regarding Aquarion's plan, if any for upgrades and replacements. Mr. McMorran replied that they have been replacing thousand feet of pipe segments every year. The problem is that they have a lot of pipes that are aging faster than they can replace them. Every year he goes through 1500 pipe segments – they do what they can budget. They spend ½ to 1 million dollars per year. He stated that the pipes on Cable Road were replaced in 1988. Some of the oldest mains date from the 1930s.

As the committee visited the treatment facility at the well Mr. McMorran, stated that it was not ideal. His biggest concern is a safety issue for the foremen. The drums are 600 lbs, which could cause muscle strain when being handled. In the summer,

somebody comes in everyday to check the chemicals. In the winter, they come less often.

Per question of Dominique Winebaum regarding the need for homeowners to install a water filtration system to protect pipes and appliances from corrosion, Mr. McMorran could/would not pronounce himself as recommending anything. He admitted that he was not an expert on internal systems and that he had to be a little cautious. He concluded that the mission of Aquarion is to put water out there and to ensure that it meets the drinking water standards.

Deb Crapo stated they have lived in the same house for 46 years and that the prior owner had lived there 25 years, and that they are replacing a pipe/sink that is corroded, but that it had lasted for a good 70 years to illustrate that they have not had issues with corrosion.

Randy Crapo commented that they have a shorter pipe that goes from the water main to their service line. Dominique Winebaum asked if residents should be concerned about the condition of the service line pipe as a potential source of corrosion problems. Mr. McMorran explained a program called the safety valve protection plan, which is basically an insurance program. It is 70 dollars per year. Based on an average, it would cost 2000 to 3000 dollars to replace a service line if it were to fail. He highly recommends the program. Link to the program: <http://safetyvalveplans.com/>

Mr. McMorran opened the door to the tank <sup>service building</sup> to show us the diesel booster pump, the back up generator, stating that the tank holds 350.000 gallons. In the event of a fire, they would be enough pressure and water provided by the system.

Randy Crapo reported concerns by residents about the taste of the water, and if there was a hotline. Mr. McMorran reported in the

affirmative and gave us his card. The general number to call to report water issues is (603) 926-3319. Mr. McMorran's extension is 116.

In terms of water usage, Mr. McMorran mentioned rain barrels as a good way of storing rainwater for outside water use.

There was more discussion about the need for a Wellhead and Aquifer Protection Ordinance in spite of the fact that "it might be a bit late" given all the existing development around the site. Mr. McMorran stated that what was in place for the Rye Water District could work for the JBVD and RBVD. The geography of the ordinance could be extended. He encouraged us that if we wanted to pursue this, we could contact him.

~~Marc~~ McMorran stated that he was happy to have met with us.

The meeting was adjourned at 7:45 PM.

Respectfully Submitted,  
Dominique Winebaum

Attach  
minutes  
4-11-17

Kim Reed

**From:** Kim Reed  
**Sent:** Thursday, March 16, 2017 12:20 PM  
**To:** Kim Reed  
**Subject:** FW: Whitehorse Farm Subdivision  
**Attachments:** 2017-3-16 Mailing on HOA Requirements.pdf

Dear Planning Board members see email below and attached.  
This will be in your packets.

Kim

**From:** Peter Rowell  
**Sent:** Thursday, March 16, 2017 12:18 PM  
**To:** Kim Reed <kreed@town.rye.nh.us>  
**Cc:** Michael Magnant <MMagnant@town.rye.nh.us>; Rosalie Andrews <RAndrews@town.rye.nh.us>  
**Subject:** Whitehorse Farm Subdivision

Kim

This was mailed to all the homeowners today. Please forward to the PB.  
If any of the homeowners should contact you please forward to me.

Peter

C. Supply a list of all pesticides and the rate of application that have been applied to the landscape in the last 2 years.

4. Supply a statement from the owners of lots 8, 9, 10, 11, 12, 13, and 14 that they have not been using and will not use salt for deicing. This must be signed and dated by the current owners.

5. Statement that all drainage improvements have been maintained by the HOA or the owners of the lots on which the drainage is located.

I believe this list is complete but other items may arise as the review continues. If the HOA does not feel this is correct please supply me with any additional information that you may have.

It is also noted that the HOA is required to pay the town, for 15 hours, to perform the annual review.

At this time I am requesting that the HOA, within 15 days, supply the information requested in #1 along with a check for \$650 to cover the cost of that annual review and within 45 days supply the remaining information required as part of the PB approval.

I thank you in advance for your prompt attention to this.

Sincerely,

Peter E. Rowell  
Rye Building Inspector

Cc by Email, Town Administrator  
Planning board

### HOUSE LOT DEVELOPMENT

- 1) Environmental Monitor marks, inspects and documents all Limited Cut Areas, Wetland No Disturb Buffer areas and Conservation Restriction Areas. This must occur prior to any tree cutting on the lot. Environmental Monitor oversees all cutting on lots.
- 2) Inspection of Best Management Practices on each lot, prior to construction.
- 3) Inspection of erosion control on house lots during construction.

### ONGOING ENVIRONMENTAL MONITORING

- 1) Septic Systems.
  - To be pumped every 18 months. Reports filed with Building Inspector.
  - Zabel filter to be removed and maintained with each pumping.
  - Homeowners must retain as-builts of septic system and records of maintenance.
  - No trees or shrubs allowed within 10 feet of leachfield.
- 2) Lawn Maintenance.
  - All lawns are maintained by a contractor hired by the Homeowners Association.
  - Guidelines of *Proper Lawn Care in the Protected Shoreland* must be followed.
  - Only low phosphorous, slow release nitrogen fertilizers may be utilized (or limestone).
  - Fertilizer restrictions also apply to other site maintenance (flower beds, shrubs, etc.).
  - Pesticides must be in limited quantities and applied only by a professional.
- 3) Salt.
  - Salting of driveways and walks not allowed on Lots 8, 9, 10, 11, 12, 13, 14. Only salt substitutes such as calcium chloride may be used.
  - Sand to salt ratio of 6:1 to be followed on roads.
- 4) Bond. Upon completion of the roadway, a \$30,000 bond must be posted by the Homeowner's Association to guarantee performance of environmental monitoring and maintenance of drainage facilities, for the same period as the water sampling program, described above.
- 5) Annual Review. The Homeowners Association will pay for 15 hours each year of the Building Inspector's time for an annual review. The annual review should determine:
  - Compliance with septic pumping/maintenance requirements.
  - Maintenance of all restricted areas and agreed wetlands buffer.
  - Continued compliance with individual lot plan requirements.

WHITEHORSE FARMS SUBDIVISION  
Town of Rye, NH

Summary of Environmental Monitoring Program\*

**DURING CONSTRUCTION OF ROADWAY, DRAINAGE**

- 1) Environmental Monitor inspects weekly and after storm events.
  - Conditions to be documented with photographs.
  - Report of each inspection filed with Building Inspector and PB within 3 days.
  - Construction sequence at III-2 of EMP Report must be followed.
  - Silt fencing and temporary BMP's inspected.
  - Photo log to be maintained
- 2) This ends upon completion of construction of roadway, slopes and drainage.

**WATER QUALITY SAMPLING PROGRAM**

- 1) Base line sampling to occur before construction starts.
- 2) During Construction of Roadway. Quarterly sampling at three agreed locations occurs for two (2) years or until completion of roadway as evidenced by installation of base coat of pavement, but in no case less than for 2 years. See p. 12 of EMP Report.
- 3) After Roadway Construction. After above, semiannual sampling occurs for four (4) more years or until one (1) year after last Certificate of Occupancy is issued, which ever less.
- 4) Reports are to be prepared by the Environmental Monitor and sent to the Town.

**BUFFER AND CONSERVATION AREAS**

- 1) Environmental Monitor marks, inspects and documents all Limited Cut Areas, Wetland No Disturb Buffer areas and Conservation Restriction Areas. This must occur prior to any tree cutting on the site.
  - Survey crews are to mark wetlands buffer areas.
  - Disks are to be installed on borders of Limited Cut and Conservation Restriction Areas.
- 2) Photo documentation of buffers and restricted areas is to be compiled by Environmental Monitor, and a report is to be prepared after each phase of the cutting.

\* Source documents for the environmental monitoring requirements are: Declaration of Covenants, Conditions and Restrictions (see in particular Section 17); Environmental Monitoring Program Report, prepared by West Environmental, Inc., dated July 8, 2002; May 21, 2002 Conditions of Subdivision Approval; Settlement Agreement dated May 8, 2002.



# ENVIRONMENTAL Fact Sheet



29 Hazen Drive, Concord, New Hampshire 03301 • (603) 271-3503 • [www.des.nh.gov](http://www.des.nh.gov)

SP-2

1997

## Proper Lawn Care In the Protected Shoreland the Comprehensive Shoreland Protection Act

### Helping the Environment Starts in Your Own Backyard

How you care for your lawn can have a dramatic impact on the ecosystem in and around your waterbody, not to mention the demands upon your time and resources.

The following describes both the restrictions on fertilizer use imposed by the New Hampshire Comprehensive Shoreland Protection Act (CSPA), and many tips on how to maintain a healthy and yet low impact (and low maintenance) lawn.

### Fertilizers and The Comprehensive Shoreland Protection Act

Fertilizers can contaminate surface and groundwater. The phosphorus and nitrogen in fertilizers are nutrients that not only promote grass growth but also promote excessive growth of algae in surface waters. This reduces clarity of the water and ultimately threatens survival of fish and other aquatic life (see WD-BB-3 Lake Eutrophication). Since phosphorus is the nutrient which can most adversely effect New Hampshire's waterbodies and coastal areas, proper use and application of fertilizer is extremely important.

The Act prohibits the use of all fertilizers except limestone within 25 feet of the reference line of public waters. Twenty-five feet beyond the reference line, low phosphate, slow release nitrogen fertilizer or limestone may be used (see fact sheet WD-SP-4 for Shorelands Under the Jurisdiction of the Comprehensive Shoreland Protection Act).

### Common Lawn Care Mistakes

**Water:** Grass does need water, but improper watering can cause problems for a lawn such as diseases and shallow root structure. A shallow root structure may not be able to hold on to the soil during runoff and is liable to cause an ongoing erosion problem. A healthy lawn requires one good soaking of up to an inch of water per week.

**Fertilizer:** Quick release fertilizers and pesticides can produce a green lawn in a short time. They may also, however, disturb the natural chemical and biological balance of the lawn. The Act only allows for the use of slow release, low phosphate fertilizer within the protected shoreland.

**Mowing:** One of the most neglected components of an otherwise healthy lawn is the lawn mower. If the tips of the grass have a jagged or uneven tip after mowing, the lawn mower blade is dull and must be sharpened.

*Thatch:* Grass clippings do not contribute to thatch accumulation. Thatch is a layer of undecomposed stems and roots that accumulates near the soil surface. According to a study by the University of Michigan, the rate at which thatch accumulates is determined by the type and vigor of the grass in the lawn. A thatch-prone bluegrass sod given abundant water and fertilizer, forms thatch more rapidly than other grasses given less care. Cutting back on fertilizer and watering less frequently may reduce thatch.

### **Proper Lawn Care in Protected Shoreland**

1. Aerate the soil. Soil can naturally contain clay or be packed down. In these circumstances it is difficult for water and air to penetrate the soil. The best method of aerating utilizes a machine that removes small cylindrical cores of soil from the lawn allowing it to receive proper amounts of water and nutrients.
  2. Test the pH of your soil. Plants are happiest and grow the best with a soil pH between 5 and 7. You can have your soil tested by UNH soils lab for a small fee. They will explain how to properly balance your soil pH.
  3. Leave the grass clippings on the lawn. This is the best and most efficient way to fertilize your lawn. It will cut your mowing time by an average of 38 percent and reduces the amount of solid waste in landfills. It also naturally adds nutrients like nitrogen and potassium.
  4. A single application of slow release, low phosphate fertilizer at the beginning of fall is adequate in most cases. Fertilizer may be applied no closer than 25 feet from the reference line.
  5. Maintain your grass at 2 inches or more of height. The longer the grass, the deeper the roots. Deeper roots enable the grass to tap into a large volume of nutrients and moisture. Also the longer grass will shade and discourage weeds and helps a lawn survive heat and drought. Never cut more than one third of the height of the grass.
  6. Keep a healthy well distributed stand of trees to keep grass from the full heat of the sun for too long. Seed mixes are available that are tolerant of lower light conditions. A shaded lawn requires less watering because grass is shielded from the sun's heat and will resist drying during the summer.
- Alternative: Use ground cover as an alternative to grass. Ground cover can be hardier than grass, usually has a longer root system, and often stays green without the use of fertilizers.

ARSENAULT MARK B  
011-015-007  
PO BOX 366  
NORTH HAMPTON, NH 03862

MANSER MARIE L M REV TRUS  
011-015-008  
20 WHITEHORSE DRIVE  
RYE, NH 03870

BAVO PALMYRE L  
011-015-006  
PO BOX 504  
NEW CASTLE, NH 03854

PACKER CARL D  
011-015-002  
5 WHITEHORSE DRIVE  
RYE, NH 03870

DOW GREGORY R  
011-015-010  
16 WHITEHORSE DRIVE  
RYE, NH 03870

ROOT WILLIAM R  
011-015-009  
18 WHITEHORSE DRIVE  
RYE, NH 03870

GARCEAU MICHAEL  
011-015-014  
8 WHITEHORSE DRIVE  
RYE, NH 03870

SERA LUIGI  
011-015-005  
11 WHITEHORSE DRIVE  
RYE, NH 03870

GARVEY HELEN LIV TRUST  
011-015-003  
7 WHITEHORSE DRIVE  
RYE, NH 03870

YAKOLA DOUGLAS F  
011-015-001  
3 WHITEHORSE DRIVE  
RYE, NH 03870

GRAY JUSTIN  
011-015-011  
14 WHITEHORSE DRIVE  
RYE, NH 03870

HAYES LINDSEY J  
011-015-015  
4 WHITEHORSE DRIVE  
RYE, NH 03870

KEEBLER TIMOTHY E  
011-015-013  
10 WHITEHORSE DRIVE  
RYE, NH 03870

LINDSAY TIMOTHY R  
011-015-004  
9 WHITEHORSE DRIVE  
RYE, NH 03870

MAHONEY THOMAS J  
011-015-012  
12 WHITEHORSE DRIVE  
RYE, NH 03870

# RYE PLANNING BOARD

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

## Notice of Decision

**Applicant:** Eversource

**Case:** Case #05-2017

**Application:** Application by Eversource Energy to trim and remove trees and brush adjacent to and beneath some of its power lines within town for utility line upgrade along scenic roads within the Town. All roads have been designated a scenic road by the Rye Town Meeting. The work is necessary to insure the safe distribution of power and to improve the reliability of electric service. The work to be done will occur along various roads and streets. Case #05-2017

**Date of Decision:** Tuesday, April, 11, 2017

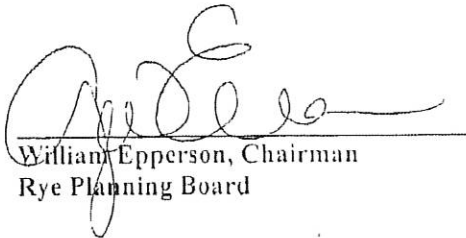
**Decision:**

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

*The Applicant's request to trim and remove trees and brush adjacent to and beneath some power lines along scenic roads was granted on the following conditions:*

- 1. The applicant receive approval of property owners in writing;*
- 2. The applicant have something in writing to give to a property owner of their rights including the right to refuse; and*
- 3. The applicant shall adhere to the PUC Administrative Rules per RSA 231:172.*

4/12/17  
Date

  
\_\_\_\_\_  
William Epperson, Chairman  
Rye Planning Board

❖ *Planning Board Approvals do not include building permits; please check with the Building Inspector's office before any and all construction.*

*1 | Page*

# RYE PLANNING BOARD

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

## Notice of Decision

**Applicant:** Harbor Street Limited Partnership of Stratham NH

**Property:** 421 South Road Tax Map 4, Lots 25, 27, 31 & 32 for a 22 Single Residence District

**Case:** Case #13-2016

**Application:** Major Subdivision, Lot Line Adjustment and Conditional Use Permit by Harbor Street Limited Partnership of Stratham NH for properties located at 421 South Road Tax Map 4, Lots 25, 27, 31 & 32 for a 22 Lot subdivision. Property is in the Single Residence District and within the Aquifer and Wellhead Protection District. Case #13-2016.

**Date of Decision:** Tuesday, April 11, 2017

**Decision:**

<u>      </u>	Approved
<u>      </u>	Conditionally Approved
<u>      </u>	Denied
<u>  X  </u>	Continued

1. The application was continued to the May 9, 2017 meeting in a 6-0 vote; and
2. The application was moved in a vote 6-0 for a worksession on Wednesday, April 26, 2017 at the Rye Town Hall.

4/12/17  
Date

  
\_\_\_\_\_  
William Epperson, Chairman  
Rye Planning Board

❖ *Planning Board Approvals do not include building permits; please check with the Building Inspector's office before any and all construction.*

*1 | Page*

# RYE PLANNING BOARD

*10 Central Road Rye, NH 03870 (603) 964-9890*

## Notice of Decision

**Applicant:** Three Rivers Farm Irrevocable Trust

**Property:** 243 Central Road, Tax Map 8, lot 13  
Commercial District

**Case:** Case #08-2017

**Application:** Request for Escrow Extension

**Date of Decision:** Tuesday, April 11, 2017

**Decision:**       X       Approved  
                    —       Conditionally Approved  
                    —       Denied  
                    —       Continued

*The Applicant's escrow renewal was accepted*

4/12/17  
Date

  
\_\_\_\_\_  
William Epperson, Chairman  
Rye Planning Board

❖ *Planning Board Approvals do not include building permits; please check with the Building Inspector's office before any and all construction.*

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# RYE PLANNING BOARD

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

## Notice of Decision

**Applicant:** Bluestone Properties  
**Property:** 25 Sagamore Road, tax map 24, lot 21  
Business Residence District  
**Case:** Case #07-2017  
**Application:** Request for Exempt from Site Review  
**Date of Decision:** Tuesday, April 11, 2017

**Decision:**       X       Approved  
                           Conditionally Approved  
                           Denied  
                           Continued

*The Applicant's request for exemption from site review was unanimously approved.*

4/12/17  
Date

  
\_\_\_\_\_  
William Epperson, Chairman  
Rye Planning Board

❖ *Planning Board Approvals do not include building permits; please check with the Building Inspector's office before any and all construction.*

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# RYE PLANNING BOARD

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

## Notice of Decision

**Applicant:** 99-100 Franklin Street Realty Trust, John J. Madden, Trustee

**Property:** 371 & 365 Sagamore Road, tax map 19, lot 63  
Business Residence District

**Case:** Case #06-2017

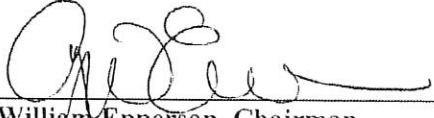
**Application:** Request for Exempt from Site Review

**Date of Decision:** Tuesday, April 11, 2017

**Decision:**       X       Approved  
                           Conditionally Approved  
                           Denied  
                           Continued

*The Applicant's request for exemption from site review was unanimously approved.*

4/12/17  
Date

  
\_\_\_\_\_  
William Epperson, Chairman  
Rye Planning Board