

**TOWN OF RYE – PLANNING BOARD
MEETING**

**Tuesday, September 11, 2018
7:00 p.m. – Rye Town Hall**

***Members Present:* Chairman Bill Epperson, Vice-Chair Patricia Losik, J.M. Lord, Jerry Gittlein, Steve Carter and Alternates Katy Sherman and Nicole Paul**

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

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 Katy Sherman for Jeffrey Quinn.

Chairman Epperson asked for a moment of remembrance for the lives lost seventeen years ago during the attacks on September 11, 2001.

Continuances:

Motion by Patricia Losik to continue the application of Karl and Andrea Swanson, for property located at 320 Brackett Road, to the October 9th meeting. Seconded by Steve Carter. All in favor.

Motion by Jerry Gittlein to continue the application of RJ Joyce, for property located at 2263 Ocean Blvd., to the October 9th meeting. Seconded by Steve Carter. All in favor.

Motion by Patricia Losik to continue the application of Tuck Realty, for property located at 0 Ocean Blvd., to the October 9th meeting. Seconded by Steve Carter. All in favor.

III. Approval of Minutes

- **August 14, 2018**
 - Tabled to the end of the meeting.

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

- 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/#20-2018.**

Motion by J.M. Lord to declare the application of Splitrock Cove Limited Partnership & James P. Nadeau, Jr. complete. Seconded by Patricia Losik. All in favor.

- b. Minor Two Lot Subdivision by Richard MacIntosh for property located at 29 Fern Ave, Tax Map 11, Lot 119, to divide into two (2) lots where lot 1 would be 5.99 acres and contain existing home and lot 2 to be 2.51 acres to be built upon. **Property is in the Single Residence District. Case #21-2018.**

Motion by J.M. Lord to declare the application of Richard MacIntosh complete. Seconded by Patricia Losik. All in favor.

- c. Conditional Use Permit Application for Karl & Andrea Swanson for property located at 320 Bracket Road, Tax Map 19, Lot 137, for an existing detached cottage to be an Accessory Dwelling Unit per Section 506 of the Rye Zoning Ordinance. **Property is in the Single Residence District. Case #22-2018.**
 - **Request for continuance to October 2018 meeting.**

V. Public Hearings on Applications:

- a. Minor Site Development Plan by RJ Joyce for property owned by Isonlina LLC and located at 2263 Ocean Blvd., Tax Map 5.3, Lot 3, to amend the agreement signed with the building department to allow the use of the garden area for guest of the restaurant and to allow the business to use 20 parking spots for paid parking during the summer months. **Property is in the Business District. Case #16-2018.**
 - **Request for a continuance to October 2018 meeting.**

- b. Minor Site Development Plan for Carey & Giampa Realty Trust owned and located at 655 Wallis Road, Tax Map 16, Lot 22, for expansion of commercial space per LDR Section 201.2 due to installation of a new septic system where trees will be cut and parking plans changed. **Property is in the Single Residence District.**
Case #19-2018.

Chairman Epperson noted that this was a continuation from last month so the Planning Board could have a chance to take a look at the property. He asked the members if they all had a chance to visit the site.

The members confirmed.

Matt Stinell, Millennial Engineering, requested a continuance on the application because the applicant could not be present and he would like be present for the final discussion. He asked if there were any issues or questions that the Board may have from review of the property so that he can address those issues with the applicant for the next meeting.

Vice-Chair Losik noted that it was mentioned last month that the buffer does not meet the statutory requirements. The minutes of the August 14th meeting would lead someone to believe that there was just discussion on a variance for the back of the property. However, Attorney Donovan is saying that the variance from the buffer will have to be from the three sides. He has found that there is a residential district beyond the 180ft depth on both the north and south sides. She continued that it seems that when the septic is installed it will be wiping out the existing tree buffer that exists. She asked if there will be a plan to reforest that area.

Mr. Stinell stated that he will talk to the applicant about what he is willing to do. It will not be able to be reforested in its entirety because vegetation cannot put planted on or right adjacent to the system. There are some plantings that could be planted to help provide screening.

Chairman Epperson commented that most of the trees that are there now are indigenous. Most of them are going to lose their leaves. The house can definitely be seen now and when the leaves are gone it will be a clear view. The abutter will probably not be too enthusiastic about looking at the back of that building.

Vice-Chair Losik stated that this property is also in the Aquifer and Wellhead Protection District. She asked if he is familiar with RZO Section 306.

Mr. Stinell replied that he was recently provided a copy by the Planning Administrator. He will have to review it to see how it would apply to this particular project. He pointed out that they are not proposing anything new for impervious surface.

Vice-Chair Losik stated that it may, or may not, require the Planning Board to look at impervious surface. The change in use is the septic field not adding to additional impervious. The calculation for the existing impervious is 45.4. She assumes this is based on everything that has already been done; the new office and all the paved areas.

Mr. Stinell confirmed. He continued that originally when they came before the Board, prior to the addition being built, part of the explanation was that the addition was going over an already impervious surface. No new impervious surface was being created. The septic that will remain pervious so there will be no increase in impervious.

Vice-Chair Losik commented that the Board does not have an answer to that tonight as they need the answer from Attorney Donovan.

Speaking to Mr. Stinell, Planning Administrator Reed stated that she will let him know about that as soon as she gets the answer.

Vice-Chair Losik stated that in 306 there are also some special requirements in regards to salt, de-icing and fertilizers. If there are any other changes there is a recertification that has to be looked at by the building department once every two years.

Planning Administrator Reed noted that she will work with the applicant on those questions.

Member Gittlein stated that he noticed the elevation change between the blacktop and the existing housing. He asked if that is a piece of ledge or a big stone in that area.

Mr. Stinell explained that at this time they believe it to be a lot of big boulders that are sitting on ledge. When the test pits were dug for the septic they were able to get the required 36 inches and were able to meet the state standards for separation to ledge. There was ledge down at a certain depth.

Member Gittlein asked if the rock is going to remain.

Mr. Stinell stated that there are four stakes that were set for the leachfield itself. There is nothing in that area that is exposed and sticking out. There is nothing there that will be impacted. The trees that were tied with pink ribbons are the ones that are proposed to be cut. They are not proposing to touch anything outside of that and there are no large rocks in the area that had been identified.

Chairman Epperson opened to the public for comments. Hearing no comments, he closed to the public at 7:15 p.m.

Motion by J.M. Lord to continue the application to October 9th. Seconded by Patricia Losik. All in favor.

- c. 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/#20-2018.**

Chairman Epperson stated that this application was sent back to the ZBA for some relief, which was granted.

J.P. Nadeau, representing the McKenna Trust, Splitrock Cove Limited Partnership and himself, stated that essentially what they are doing is to confirm in deeds what has existed for over forty years. Nadeau and Splitrock is conveying the red area (pointing the area out on the plan for the Board) to the McKenna Trust, which is about 5,000sf. The McKennas are transferring the areas in blue (shown on the plan), which is about 600ft. He noted that the ZBA required a variance from the sideline because one of the buildings is only 14+ft from the setback. They also said that because there are two buildings (three units) on the Splitrock property that it wasn't a single-family residence; however, this has existed for over 60 years. The ZBA said that technically it needed a variance so he got that relief.

Chairman Epperson reviewed the variances granted were from Section 203.3B, for a building 14.67ft from the side boundary and Section 203.3 F, for a lot of 2.4 acres with three existing dwelling units. He stated that he does not have a lot of questions or comments on this application. He appreciates Mr. Nadeau coming to the Board to try to clean this up. He opened to the public for comments or questions.

Hearing none, Chairman Epperson closed the public hearing at 7:20 p.m.

Motion by Jerry Gittlein to approve the application as submitted with the variances approved by the ZBA. Seconded by J.M. Lord. All in favor.

- d. Minor Two Lot Subdivision by Richard MacIntosh for property located at 29 Fern Ave, Tax Map 11, Lot 119, to divide into two (2) lots where lot 1 would be 5.99 acres and contain existing home and lot 2 to be 2.51 acres to be built upon. **Property is in the Single Residence District. Case #21-2018.**

Matt Stinell, Millennial Engineering, presented to the Board. He explained that Mr. MacIntosh has a piece of property on Fern Ave, which he would like to subdivide in order to deed one lot to his daughter and son in-law. The contractor dug some septic test pits in the front which was witnessed by the town's representative. A subdivision application has been submitted to the State and they have issued an approval. The plan is for a lot that requires a minimum of 66,000sf, where 112,000sf is being provided. The minimum frontage is 200 linear feet and the lot will have the required frontage. The remainder lot consists of 5.91 acres, which is about 200,000sf more than what is needed. This lot will have 300 linear feet along the right-of-way.

Referring to the lot with 200 linear feet, Chairman Epperson asked if there is a line of sight issue.

Mr. Stinell replied there are no line of sight issues. The road has a slight curve but it is not dramatic. There is a line of sight in both directions. He noted that they are in the process of submitting the septic design to the town and NH DES for approval.

Chairman Epperson asked for details about the driveway that goes across the septic system.

Mr. Stinell explained that Sheet 2 shows a gravel driveway across the septic reserve area. It is not quite over the septic itself. The test pits were dug on either side of the driveway. The intention is to show there is adequate soil receiving area for a 4,000sf septic area. The intention would be to avoid the actual septic system with the driveway. If at some point in the future, the septic needs to be abandoned and moved, the driveway could be moved to not be on the septic. He noted that there are septic systems that are designed to be driven over if needed, such as the Presby System which is designed with additional fill over the top to provide adequate protection for the pipes.

Alternate Paul asked if the septic is serving the existing home or the new home.

Mr. Stinell replied that the one that he is presenting is for the new lot.

Richard MacIntosh, applicant, pointed out the location of the existing system on the plan for the Board. The system will continue to serve the existing home. The proposed location for the new home was also pointed out.

Referring to the HISS mapping, Vice-Chair Losik stated that it looks like there are some sloping considerations there and some bedrock. There is a ledge area and some tight topo near the abutters. There is a Land Development Regulation (LDR) that says no water can go to the abutters. No adjacent properties can be impacted. She is a little concerned in looking at the building envelope and some of the characteristics. She asked if they are concerned about putting so much in one little tight area.

Mr. Stinell reiterated that the lot is almost double the size that is required. It is not that tiny of an area. There is sufficient room in the front to locate a home away from the side setbacks that zoning requires. They are proposing no impervious surface besides the structure itself. There is no paving proposed so there should be adequate draining. They are not proposing to modify the existing slope, except for where they excavate for the foundation. The grading coming up the driveway will remain as it is now. He noted they are not creating significant impervious surface such that they are concerned the runoff will affect the abutters.

Vice-Chair Losik stated that her question was to Section 306. She asked if it is going to exceed any concern in 306.

Mr. Stinell replied that they are not going to be doing an impervious driveway. It will just be the structure which will be somewhere in the 1,000sf range so it is significantly lower than the 2,500sf max.

Vice-Chair Losik asked if there are boulders.

Mr. Stinell noted that there were no boulders in the front, other than the retaining wall.

Mr. MacIntosh commented that there are a few boulders in the back but they were not so big that they couldn't be moved with a backhoe.

Vice-Chair Losik asked if there is any concern about ledge.

Mr. Stinell stated that they are not concerned. They are not going back that far from the proposed home. Sufficient testing has been done in the front that show average depths.

Member Lord pointed out the ledge on the plan. He stated that the Board may want to look at some ledge probes in that area because there is supposed to be a viable septic setback of 75ft.

Vice-Chair Losik agreed. She asked if there is any ledge visible on the properties towards the south.

Mr. MacIntosh replied not that he is aware of.

Referring to the shape of the lot, Member Lord stated that in 601.2 A, it says that lot shapes will not be grossly irregular. He noted that this is the most irregular lot shape he has seen. On another application this probably wouldn't even be considered. The Board should be consistent on this.

Chairman Epperson asked the acreage for the front of the lot. (He pointed to the area on the plan.)

Mr. Stinell explained the whole lot is about 112,000sf and that is about half. It is getting close to what the minimum requirement is. He does not have an exact number.

Member Lord noted that there is a high piece of ledge that blocks access to the rear of the property. It is almost like the back of the property is non-existent for the development of this lot.

Mr. Stinell stated that early on they had a similar concern. Their position has been, based on the advice of Mrs. Reed, that the intent of the regulation is to prevent large developments and making odd shaped lots in order to grab frontage to maximize lots. It is their belief that this meets the requirements because they are not creating a large development. The lots have the minimum frontage and area requirements. It seems to meet the intent.

Mr. MacIntosh stated that the reason for the "jog" is because of the swimming pool.

Member Lord asked why it could not be subdivided straight in the back to make a straight lot. (He pointed the area out on the plan.)

Mr. MacIntosh explained that it is a prettier lot the way he has it laid out.

Member Lord asked if he is going to come back for another lot.

Mr. MacIntosh noted that he does not have the frontage. The lots will remain as proposed.

Chairman Epperson stated that he sees the concern; however, the back part of that lot is essentially unusable.

Member Lord noted that the town likes to see more rectangular and consistent lots. To him, that is almost the definition of gerrymandering on a lot or irregular lot. He thinks they need to be fair to everybody whether it is a big development or a single lot. Going forward, it should be fair across the board. He stated that he is not concerned about the overall neighborhood as much as the direction that is being taken.

Vice-Chair Losik stated that she understands the concern of setting a precedent for establishing an irregular lot.

Mr. MacIntosh commented that the town is full of irregular lots.

There was some discussion on how the lot could be subdivided differently.

Chairman Epperson opened to the public for comments.

Jim Cullen, 32 Fern Ave, commented that he lives directly across the street. His issue is with drainage. Fern Avenue has lots of ledge and drainage has always been an issue. Fern Avenue was one of the last roads in Rye developed because of the ledge and drainage. He noted that the house at 50 Fern Avenue is on a slab. (He pointed out the location of his house on the plan in relation to the applicant's property. He also pointed out the location of a drainage easement, which carries water from 29 Fern Avenue.) He explained that the drainage easement carries water under Fern Avenue onto his property.

Chairman Epperson asked if there is a drainage easement on his deed.

Mr. Cullen replied yes there are two. Fern Avenue measures 6/10ths of a mile long and there are 16 pipes that go under Fern Avenue. From the odd side the water runs to the even side (numbered property.)

Mr. MacIntosh explained the water flow on the plan for the Board. He noted that when the lot was developed the drainage easement was put on the high spot. It should've been put on the low spot.

Mr. Cullen stated that the other issue is to have the town address the drainage. As pointed out, the pipes and receptacles for the water was poorly constructed. He continued that water not only goes through the pipes but it runs across the road. In 2000, a receptacle was added. (He pointed out the location on the plan.) He stated that water runs across the road and creates standing water and prohibits landscaping.

Alternate Sherman asked if he is concerned that more water onto his property will be created if the house is built.

Mr. Cullen confirmed. He stated that trees on the property are being removed. (He pointed out a drainage pipe that runs onto his property. He also pointed out the location of a septic system about 50ft from the drainage pipe.) He commented that if the system ever malfunctions, the water is going to go right through and either onto the road or onto his property.

Vice-Chair Losik pointed out that LDR 604.1 deals with adjacent properties. She noted that the Board would be concerned about drainage and would not want additional problems being created for the adjacent properties.

Mr. Stinell stated that the issue is that whether what is being proposed will increase the runoff and make the problem worse.

Mr. Cullen commented that properties on Grove Road also receive water from this property through a drainage easement. The property has quite a bit of ledge and a fairly good elevation.

Mr. Stinell pointed out on the plan the area that is being impacted. He noted that for the house itself, there is 4ft to ledge so it would be very easy to create a downspout that would go into some type of stone drench around the foundation or a chamber with infiltrated trenches into the ground to accept the water without creating an issue with sheet flow. He can ensure that what little impervious surface that is being created by the structure itself does not create any increase in discharge to abutting property.

Chairman Epperson asked if there are flow vectors on the plan.

Mr. Stinell replied there are not.

Member Lord pointed out that his initial concern was the septic and how deep the ledge is in that location. The entire area is probably shallow ledge. He thinks there should be some ledge probes. The entire area looks problematic.

Vice-Chair Losik agreed.

Member Lord asked if the proposed house will have a full foundation or slab on grade.

Mr. MacInstosh replied full foundation. He continued it is more than 2ft to ledge.

Member Lord stated that is not known for sure because testing hasn't been done.

Mr. Stinell stated that they are 60 inches to ledge in test pits 1 and 2. Test pit 3 is the only one that came up to 49 inches, which is in the low point. As the property moves to higher ground, it actually picks up depth. The anticipation is that as it goes up the hill they will have 4ft or better.

Chairman Epperson stated there are some legitimate questions about the ledge.

Steven Genestreti, 55 Fern Ave., stated that he had the same concerns about water. There have been terrible water problems in that area. He would like to hear about the ledge issue. About 20 years ago, he wanted to put a pool on his property but was only able to install a pool at a very odd angle because of the ledge. There was no other space with the outcroppings of ledge around the property. The pool company said that any amount of blasting in that area would be damaging to his foundation. He would like to make sure this issue is addressed.

Speaking to the applicant, Chairman Epperson stated that the Board is not pushing back but they are trying to make sure that what is proposed does not affect anyone else. The intent is to make it better. He continued that they want to make sure the southerly side of the lot does not have a lot of ledge that has not been identified. The Board would also like to see a stormwater management plan to make sure the abutters will not be inundated with more water.

Mr. Cullen stated that he would submit that more water will flow through the easements and across the road. The space taken by the septic area and the trees taken down will promote more water flowing towards his property.

Mr. Stinell stated that the septic system will not direct any additional water towards the roadway.

Mr. Cullen commented that the septic occupies space that water would normally drain into.

Mr. Stinell stated that there is a foot of sand and then lawn so it will still allow for water, as it is a pervious surface. If anything, it will help stop some of the water flow that comes down that hill because the leachfield will be relatively low on the surface. He continued that tree removal will have to take place to install the system but the way the leachfield is designed it will allow for water to seep in before it hits the slope on the other side.

Chairman Epperson summarized that the Board would like to see ledge probes for the southerly side of the property, flow vectors and a stormwater management plan. As far as the shape of the lot that Member Lord objects to, personally, he could live with the lot. He asked the thoughts of the Board.

Member Gittlein stated that he agrees it really violates what the Board thinks about but they have to make exceptions sometimes. Here again, where is the next exception? These are issues that the Board has to think about as they deal with each application as they come in.

Alternate Paul agreed.

Member Carter agreed.

Alternate Sherman agreed. She stated that it would be helpful to see where the house is going to go.

Referring to the configuration of the lot, Vice-Chair Losik stated that she has some concerns but her other concerns trump it.

Mr. Stinell stated that considering the cost of addressing the first concern, if they can't get over that one, there is no point in addressing the other concern. He would almost ask for a straw vote from the Board on how they feel. If they can't get past the configuration, there is no reason to spend money on the rest of it.

Chairman Epperson stated that being familiar with that neighborhood, he knows why these lots were relatively square. It was one piece of property at one point. Someone came in and developed it and that was how it was done. He knows this piece of property has been there for a long time. It is an odd shaped lot but the back part is useless. He can live with the configuration of the lot the way it is proposed, providing the drainage and bedrock issues are addressed. Speaking to Member Lord, Chairman Epperson asked if he would stop the development based on the configuration alone.

Member Lord explained it isn't just this development. In this development or any development, if there is the opportunity to create a much more conforming lot on a different part of the property but it is chosen to do something that is very irregular and broken up, would that be the norm that would be used going forward on major subdivisions? This does not speak to one subdivision or one lot, it speaks to all lots. There could be a whole series of these broken up using the backland that is not developable to have a really small piece of property up front that is developable. He thinks it is a very bad precedent to set.

Member Gittlein stated that he does not feel it is a "do or die" situation.

Alternate Paul stated that she would not hold the project up. For her, the drainage is more important than the shape.

Member Carter stated he would be concerned about it as a precedent. He pointed out it is possible to do something on the other side, even though it may not be there first choice for the lot.

Alternate Sherman stated that she agrees with Member Carter.

Mr. MacIntosh stated that he hears the concerns but there are a lot of lots in town that are not rectangular lots and they have been there for years.

Alternate Sherman stated they are talking about from here forth. They can't talk about what has already been done. The Board is trying to make things more clear because other developments are coming.

Mr. MacIntosh reiterated this is a nicer looking lot. It will dress the street up. He is trying to give his daughter a very beautiful house lot.

The Board discussed the plan with the applicant.

After discussion, Chairman Epperson asked Mr. MacIntosh what he would like to do.

Mr. MacIntosh stated that he would like the lot to be as proposed for all the reasons he has said.

After discussion, Mr. Stinell agreed to work with his client on the plan.

Chairman Epperson closed the public hearing at 8:18 p.m.

Mr. Stinell requested a continuance.

Motion by Patricia Losik to continue the application. Seconded by J.M. Lord. All in favor.

- e. Conditional Use Permit Application for Karl & Andrea Swanson for property located at 320 Brackett Road, Tax Map 19, Lot 137, for an existing detached cottage to be an Accessory Dwelling Unit per Section 506 of the Rye Zoning Ordinance. Property is in the Single Residence District. Case #22-2018.**

- Request for a continuance to October 2018 meeting.

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

- Request for a continuance to October 2018 meeting.

- Cell Tower Application – 120 Brackett Road

The Board discussed a continuance date for the cell tower application. It was agreed to schedule the meeting for Thursday, September 27th.

Motion by Patricia Losik to continue the Verizon Cell Tower Application to Thursday, September 27th. Seconded by J.M. Lord. All in favor.

VI. Public Hearings on revised chapters of the Master Plan

- a. Chapter 4 – Existing and Future Land Use**
- b. Chapter 6 – Transportation**
- c. Chapter 7 – Natural Resources**

Chairman Epperson noted that these are probably the most vetted chapters of the Master Plan ever. They have been massaged by a number of people, the public has weighed in significantly and Julie LaBranche, (Rockingham Planning Commission), has been involved.

Chairman Epperson opened to the public for comments or questions. Having heard no comments or questions, he closed the public hearing at 8:22 p.m.

Motion by Jerry Gittlein to accept Chapter 4, Existing and Future Land Use. Seconded by Patricia Losik. All in favor.

Motion by J.M. Lord to accept Chapter 6, Transportation. Seconded by Patricia Losik. All in favor.

Motion by J.M. Lord to accept Chapter 7, Natural Resources. Seconded by Patricia Losik. All in favor.

VII. New Business/Old Business

- **Sebago Contract**

The Board reviewed the contract to renew services with Sebago Technics (the town's engineering consultant).

Chairman Epperson commented that Sebago produces documentation for the Board on a timely basis. They do thorough inspections and report on any issues they may see.

Vice-Chair Losik agreed.

Mrs. Reed noted that they have been very amenable working with this Board, the Building Inspector and Public Works Director. They are very responsive and technical.

Motion by Patricia Losik to authorize the Planning Administrator to execute a contract with Sebago Technics. Seconded by J.M. Lord. All in favor.

VIII. Subcommittees

- **Long Range Planning**

Member Carter noted that the committee's work is complete with the review of the recent chapters of the Master Plan.

Mrs. Reed reported that the contract with RPC starts in September for the Land Development Regulations. That will be the focus for the committee moving forward.

- **Rules & Regulations**

The committee members discussed a date for the next meeting.

- **Next meeting scheduled for Tuesday, September 25th, 7:00 p.m.**
- **Meeting also scheduled for Thursday, October 4th, 7:00 p.m.**

- **Proposed Zoning Amendment - Correction of erroneous referencing and indexing**

Mrs. Reed read the proposed ordinance as drafted by Attorney Donovan.

Motion by Patricia Losik to schedule the proposed amendment for a public hearing in October. Seconded by J.M. Lord. All in favor.

IX. Meeting Minutes – August 14, 2018

The following corrections were noted:

- Page 4, 1st paragraph, 6th sentence should read: **He continued that part of the upgrade involves new taller poles and new conductors with the same engineering layout as on Washington Road.**
- Page 4, 1st paragraph, last sentence should read: **The branches and trees that grow in close proximity to the facility are eliminated so there is no issue with trees falling into it during a storm event.**
- Page 6, Item 2 of the motion should read: **Eversource informs property owners in writing that they have the right to refuse the cutting or pruning.**
- Page 10, 3rd paragraph, last sentence should read: **If it can't be done, it will simply be cash value.**
- Page 20, 1st paragraph, 1st sentence should read: **All buildings themselves are above scenario three.**

Motion by Steve Carter to approve the minutes of August 14th as revised. Seconded by J.M. Lord. All in favor.

X. Pay Escrows

Verizon Wireless Application – 120 Brackett Road

- West Environmental - \$561.25
- Sebago - \$784.40
- Attorney Donovan - \$2,654.57
- Ivan Pagacik - \$945.00

Motion by J.M. Lord to pay the invoices as presented. Seconded by Patricia Losik. All in favor.

- **Attorney Donovan – Tuck Realty/Goss Property - \$861.87**

Motion by J.M. Lord to pay Attorney Donovan in the amount of \$861.87. Seconded by Patricia Losik. All in favor.

- **Attorney Donovan – The Housing Partnership - \$1,379.00**

Motion by J.M. Lord to pay Attorney Donovan in the amount of \$1,379.00. Seconded by Jerry Gittlein. All in favor.

- **Joe Falzone – Request for reduction in credit - \$84,691.00
(balance \$683,105.05)**

Motion by J.M. Lord to approve the reduction in credit requested by Joe Falzone. Seconded by Patricia Losik. All in favor.

Adjournment

Motion by Patricia Losik to adjourn at 8:40 p.m. Seconded by J.M. Lord. All in favor.

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/#20-2018.

Date of Decision: Tuesday, February 13, 2018

Decision: ☒ Approved
☐ Conditionally Approved
☐ Denied

The Board voted to accept Jurisdiction over the application.

The Board voted to accept the application as presented.

9/13/18
Date


William Epperson, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: RJ Joyce for property owned by Isonlina LLC

Property: 2263 Ocean Blvd., Tax Map 5.3, Lot 3
Business District

Case: Case #16-2018

Application: **Minor Site Development Plan** by RJ Joyce for property owned by Isonlina LLC and located at 2263 Ocean Blvd., Tax Map 5.3, Lot 3 to amend the agreement signed with the building department to allow the use of the garden area for guest of the restaurant and to allow the business to use 20 parking spots for paid parking during the summer months. **Property is in the Business District. Case #16-2018.**

Date of Decision: Tuesday August 14, 2018

Decision:

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

The Board voted to continue the application to the October 9, 2018 meeting.

9/13/18
Date


William Epperson, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Richard MacIntosh

Property: 29 Fern Ave, Tax Map 11, Lot 119
Single Residence and Aquifer Overlay

Case: Case #21-2018

Application: Minor Two Lot Subdivision by Richard MacIntosh for property located at 29 Fern Ave, Tax Map 11, Lot 119 to divide into two (2) lots where lot 1 would be 5.99 acres and contain existing home and lot 2 to be 2.51 acres to be built upon. Property in in the Single Residence District. Case #21-2018

Date of Decision: Tuesday September 11, 2018

Decision:

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

The Board voted to continue the application to the October 9, 2018 meeting.

9/13/18
Date



William Epperson, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Karl & Andrea Swanson

Property: 320 Brackett Road Tax Map 19, Lot 137
Single Residence

Case: Case #22-2018

Application: Conditional Use Permit Application for Karl & Andrea Swanson for property located at 320 Brackett Road Tax Map 19, Lot 137 for an existing detached cottage to be an Accessory Dwelling Unit per Section 506 of the Rye Zoning Ordinance. Property is in the Single Residence District. Case #22-2018.

Date of Decision: Tuesday September 11, 2018

Decision:

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

The Board voted to continue the application to the October 9, 2018 meeting.

9/13/18
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: Joseph 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 September 11, 2018

Decision: ☐ Approved
☐ Conditionally Approved
☒ Continued

The Board voted to continue the application to the October 9, 2018 meeting.

9/18/18
Date



William Epperson, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Carey & Giampa Realty Trust

Property: 655 Wallis Road, Tax Map 16, lot 22
Business District and Aquifer Overlay

Case: Case #19-2018

Application: Minor Site Development Plan for Carey & Giampa Realty Trust owned and located at 655 Wallis Road, Tax Map 16, lot 22 for expansion of commercial space per LDR Section 201.2 due to installation of a new septic system where trees will be cut and parking plans changed.

Date of Decision: Tuesday September 11, 2018

Decision:

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

The Board voted to continue the application to the October 9, 2018 meeting.

9/13/18
Date


William Epperson, Chairman
Rye Planning Board