

TOWN OF RYE – PLANNING BOARD

Tuesday, September 12, 2017

7:00 p.m. – Rye Town Hall

Members Present: Chairman Bill Epperson, Vice-Chair Pat Losik, Mel Low, Jerry Gittlein, Jeffrey Quinn, Selectmen's Rep Priscilla Jenness, Alternates Katy Sherman and Steve Carter.

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

Steve Carter was seated for J.M. Lord

III. Approval of meeting minutes

- July 18, 2017

The following corrections were noted:

- Page 3, 1st paragraph, last sentence should read: **Tim Stone has demonstrated that it is unlikely.**
- Page 4, 1st paragraph, last sentence should read: **In terms of assuming the systems have even minimal performance and forgetting this is 1000's of feet away from the well.**
- Page 4, 1st paragraph, 4th sentence should read: **to establish a mechanism that Mr. Falzone notifies Septi-Tech of every closing and to establish a very strong self-funding homeowners association to make sure an independent consultant will help coordinate with the town on getting the data.**
- Page 6, 2nd paragraph, it should be noted that Doran Lorford should be **Doran Morford.**
- Page 12, 1st paragraph, 2nd to last line should read: **These are orthogonal and adjacent lineaments to the preferred lineaments that Tim Stone referred to about the preferred flow of water to bedrock.**
- Page 6, 6th paragraph, 1st sentence should read: **"Geophysical surveys can be completed that characterize bedrock depths and can also identify the probable zones of weakness and shallow groundwater flow.**
- Page 14, 2nd paragraph, 6th sentence should read: **At best these homeowner associations have well intentions but don't behave in ways that the Board originally expected them to behave.**

Motion by Jeffrey Quinn to attach Danna Truslow's rebuttal to Peter Loughlin's memo to the minutes of July 18, 2017. Seconded by Jerry Gittlein. Vote: 6-0-1 Abstained: Priscilla Jenness.

Motion by Mel Low to approve the minutes of July 18, 2017 as amended. Seconded by Jeffrey Quinn. Vote: 6-0-1. Abstained: Priscilla Jenness

- **August 8, 2017**

The following corrections are noted:

- Page 2, 2nd paragraph, 1st sentence should read: **Acting Chair Losik stated that on July 18th the Planning Board voted to deny the applicant's Conditional Use Permit (CUP) and subdivision applications.**
- Page 12, 6th paragraph down, 1st sentence should read: **Acting Chair Losik stated that in thoroughly reviewing the draft Notice of Decision,**
- Page 14, 3rd paragraph, 6th sentence should read: **There was a variance granted for a small section that is State property inside the wall that was built.**
- Page 18, 3rd paragraph from bottom, 1st sentence should read: **Planning Administrator reed noted that a failed septic system can be replaced in kind with the building inspector.**
- Page 18, 2nd paragraph from bottom should read: **Acting Chair Losik pointed out that the other thing about septic systems in 301.8.B(2) is that existing systems located in the buffer must be replaced per NH DES only if no public or private sewers available.**
- Page 20, 1st paragraph, 1st sentence should read: **Acting Chair Losik stated that Rules and Regs does not want to lose the steam in regards to the work the subcommittee did last year.**
- Page 20, 1st paragraph, 2nd sentence should read: **Both the Committee and the Building Inspector agreed that surface water buffers is one area that could be looked at in the meantime.**
- Page 20, 4th paragraph from bottom, 1st sentence should read: **Acting Chair Losik stated that she is loathe to give up that good work.**
- Page 20, 4th paragraph from bottom, 2nd sentence should read: **She felt the committee was invested and there were many areas of views represented.**

Motion by Jeffrey Quinn to approve the minutes of August 8, 2017 as amended. Seconded by Priscilla Jenness. Vote: 6-0-1. Abstained: Bill Epperson

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

- a. Major Subdivision, Lot Line Adjustment (Lots 15-4 and 16) and Conditional Use Permit by the Housing Partnership for property located at 0 Airfield Drive, Tax Map 10, Lot 15-4, for construction of a residential development consisting of a mixture of single-family and multi-family dwellings with a portion being dedicated as Workforce Housing. Property is in the Commercial Zoning District. **Case #07-2017.**

- **Request to be continued to the October meeting.**

Motion by Jeffrey Quinn to continue to the October meeting. Seconded by Steve Carter. All in favor.

V. Public Hearing on Proposed Zoning Amendment – Action Required

- **Proposed Amendment No. 2018-01** would amend Section 400.1 to correct a typographical error.

**Please see attached*

Chairman Epperson read Proposed Amendment No. 2018-01.

No comments were heard from the Board.

Chairman Epperson opened to the public for comments or questions. Hearing none, he closed the public hearing at 7:17 p.m.

- **Proposed Building Code Amendment 2018-01** amends the building code to make it consistent with the Wetlands Ordinance as amended by voters in 2017. It also corrects an erroneous reference to the zoning ordinance section describing the Wetlands Buffer.

**Please see attached*

Member Quinn stated that he does not understand the proposed language “The Wetlands Buffer of Section 301.8A of the Zoning Ordinance except replacement of existing septic systems”. He asked if it a replacement of a system in the wetlands buffer is good to go.

Planning Administrator Reed explained there are no real changes. This corrects the typographical error of 301.7, as it should be 301.8A. This is pointing to the correct place in the zoning ordinance. This is the current language that is in 301.8A.

Chairman Epperson opened to the public for comments or questions.

Peter Crawford, 171 Brackett Road, asked if the words “septic and effluent” should read “septage and effluent”.

Vice-Chair Losik pointed out this is the exact language that is in the building code.

Chairman Epperson commented that the intent is clear. He would suggest that it be left as it is because if it is changed here it has to be changed in the wetland ordinance.

After some discussion, it was agreed the wording should be left as it is.

Referring to Member Quinn's comments, Mr. Crawford stated that he agrees that this is a bit confusing.

Member Quinn stated that he just looked at the building code and that sentence does make sense. He withdrew his comment.

Hearing no further questions or comments, Chairman Epperson closed the public hearing at 7:25 p.m.

Motion by Jeffrey Quinn to move Proposed Zoning Amendment 2018-01 and Building Code Amendment 2018-01 to the warrant. Seconded by Steve Carter. All in favor.

VI. Public Hearing on Applications:

- a. Major Site Development Plan by WBTSCC Limited Partnership for property owned and located at 60 Wentworth Road, Tax Map 24, Lot 61-26, to replace an existing 50' golf net and nine (9) 50' wood poles with a ninety 90' golf net and nine (9) 90' steel poles. Property is in the Single Residence District. **Case #06-2017.**
 - **Request to be continued to the October meeting.**

Motion by Patricia Losik to continue to the October meeting. Seconded by Jerry Gittlein. All in favor.

- b. Major Subdivision, Lot Line Adjustment and Conditional Use Permit by the Housing Partnership for property located at 0 Airfield Drive, Tax Map 10, Lot 15-4, for construction of a residential development consisting of a mixture of single-family and multi-family dwellings with a portion being dedicated as Workforce Housing. Property is in the Commercial Zoning District. **Case #07-2017.**
 - **Request to be continued to the October meeting.**

Motion by Patricia Losik to continue to the October meeting. Seconded by Steve Carter. All in favor.

VII. New Business

Chairman Epperson requested to take the Conceptual Consultation for the Jenness State Beach Redevelopment out of posted agenda order.

Motion by Mel Low to take the Jenness State Beach Redevelopment out of posted agenda order. Seconded by Steve Carter. All in favor.

- Conceptual Consultation by Division of Parks & Recreation for the Jenness State Beach Redevelopment for property located at 2280 Ocean Blvd, Tax Map 5, Lot 52, to renovate the existing bath house at this location. **Case #10-2017.**

Chairman Epperson noted that the Division of Parks and Recreation is before the Board to discuss the renovation plan under the auspices of RSA 674:54, which says that as a courtesy they will come to the Planning Board to talk about this; however, the Planning Board can make no changes or substantial variations. The Planning Board can make non-binding suggestions which must be made to them within 30 days of this application.

- *A statement from Resident Ryan McGill was submitted to the Planning Board and added as part of the record.*

Johanna Lyons, State Park Planner for the NH Division of State Parks and Recreation, introduced **Tom Mansfield, Architect,** and **John Phidala, Administrator for the project.** She stated that they came to the Board in 2016 with a previous design. Due to court, the project was put to the side and they are back with a new design. She noted that there was a public meeting that was held in August. She has also been at the beach over the summer observing activities, speaking with beach goers and taking public comment. She continued that this is in a public comment period, which will end on Friday, September 15th. There is a project webpage that is on the Division of Parks and Recreation for over a year. She noted that the 2016 original plan went before the Superior Court.

Chairman Epperson asked if the State won that case.

Ms. Lyons confirmed.

Chairman Epperson asked why they are coming back with a modified plan.

Ms. Lyons explained that from what was heard from the public they thought it was enough to go back to the drawing board and make some compromises. She noted that the parking lot will be in the same direction. There will be angled parking and the sidewalk will remain. The building has been reoriented so there is less mass along the roadway and the shorter end of the building will be on the road. Some significant changes have been made to the 2016 plan.

Chairman Epperson asked for a thumb nail sketch of the observations made at the beach this past summer.

Ms. Lyons stated that to no surprise Jenness Beach is very busy. She was there weekdays and weekends generally from 10:00a.m. to 2:00p.m., with some afternoons until 4:00 p.m. There is a lot of traffic that comes in that parking lot for drop-off and pickup. There are lines almost constantly at peak periods for the women's restroom. There are people walking from everywhere to the access point that Jenness Beach provides. They are walking down Route 1A and from across the street from Perkins Road. People are parking in other neighborhoods and walking in. It is a very dynamic and busy place.

Chairman Epperson commented that it seems like it is busier over the last year or two.

Ms. Lyons stated that she has worked for State Parks for over 30 years. She has worked on the seacoast for over 10 years and lives in Portsmouth. It has shown a steady increase over the years. When the parking lot was put in behind the hotel, that was the first real surge. People are parking further and further out into the neighborhoods and coming to Jenness Beach. It was a whole different place 15 or 20 years ago. She commented that she talked to a lot of year-round residents at the beach. They have also seen an increase in the number of people.

Chairman Epperson asked if there is any correlation between the amount of money New Hampshire is spending on tourism and the advertising on beach going.

Ms. Lyons stated that she works state wide. Every attraction is being visited in great numbers. She does not know if any extra spending is being done. She noted there are a lot of people that are coming from Stratham, Exeter and Manchester. That is who the market is in New Hampshire.

Selectman Jenness asked if she has noticed any difference in what would be perceived as dangerous from the positioning of State Parks and the influx of visitors.

Ms. Lyons commented that State Parks does not control Route 1A. Most people are not parking in the parking lot. They are parking in legal spaces that are available to them. There are a fair amount of people who are walking distances down Route 1A.

Chairman Epperson asked about the history of the new North Hampton bathhouse.

Ms. Lyons commented that it is working out great. The old building was a twin of what is currently at Jenness Beach.

Chairman Epperson asked if the building at North Hampton is what was originally proposed for Jenness Beach.

Ms. Lyons commented that it was similar but it wasn't exact. There is not as much width at Jenness as there is at North Hampton.

Vice-Chair Losik asked the square footage of the building in North Hampton.

Tom Mansfield, architect, replied 1200.

Referring to increased traffic, Member Low stated that the traffic on the fourth of July on Washington Road was bumper to bumper. It kept going for hours. It was people coming off 95. It was backed up down to Hampton.

Referring to Ryan McGill's written comments, Member Quinn stated that he raised some points about foot traffic, crowding and walkways. He thinks these are valid concerns.

Ms. Lyons commented that this is Mr. McGill's interpretation of the plan.

Chairman Epperson noted that a lot of the questions were asked and addressed at the public meeting. He asked for the architect to go through the plan.

Mr. Mansfield reviewed the proposed plan for Jenness Beach. He noted the building is located at the south end. The building will be 23ft off the lot line to allow an access corridor onto the beach. Most of the parking lot remains similar to the way it is now. The direction of the traffic through the parking lot will be north and south. Its angled parking. The one change that is being made is the widening of the parking lot. That was done by taking 2ft out of the shoulder lane along Route 1A in consultation with DOT. That means that the shoulder lane in front of Jenness Beach is the same to the south. This gives more space for people to back out comfortably. He commented that it is still tight.

Chairman Epperson stated that when people are in the parking lot and people are waiting for a place there is no area to go around the car. He asked if this will be possible now.

Mr. Mansfield replied that it will still not be possible. He continued the original plan had taken out the sidewalk in order to get more width. However, there was a strong sentiment from the public that they wanted to retain the walkway along the seawall. He noted that it will not be a raised sidewalk as it is now. All of that will be taken out and the surface will be the same height as the parking lot. This will improve the site drainage. Also, the cars will be separated from the walkway by a line of wooden bollards at the center of each parking space. Instead of a sidewalk, there will be a walking space, at the parking lot level, between the bollards and the seawall. The walking space will not be less than 32 inches, in order to meet the standards for a wheelchair to go through.

Referring to the emergency vehicle area, Alternate Sherman stated that it sounds like it was reduced because of public comment. She asked if there is still enough space for ambulances and police cars to get in.

Mr. Mansfield replied yes. (He reviewed that area on the plan for the Board.)

Alternate Carter asked if the bollards are durable and will look decent years from now.

Mr. Mansfield stated that these have been put in at Hampton Beach. They persuaded DOT to do these instead of guardrails. On the roadway, they are 12x12 bollards. In the parking lot, they are 8x8. They are designed to be easily replaceable if they snap off and can be taken out without tearing up the pavement. He stated the building is now 26ft along Ocean Boulevard and 40ft deep. (He reviewed the floor plan of the building for the Board. He also reviewed the elevation plans.)

Vice-Chair Losik stated that she counted seven lights externally. She asked if there will be any other lights. She pointed out that on the neighbors' side there are two lights. She asked if the lights will be on all night.

Mr. Mansfield noted that the lights are on a timer so they can be controlled. The lights will provide low level lamination, which would be the equivalent of a 30watt lightbulb.

Chairman Epperson stated that this is a consultation. He wants to make sure that everyone understands that there is an RSA that specifically addresses State owned property and town boards. This is a courtesy for these folks to come and talk about the plan. The Board has 30 days to send their comments to the State. He noted that Ryan McGill has sent in his comments to the Board and this will be sent along as part of the Board's recap.

Alternate Carter asked if the gable in the front is essential. In looking at it from across the street, it seems to block the view of the water. He asked if it serves as an essential function or is it mostly decorative?

Mr. Mansfield stated that it is a combination of both of those things. A gable will be much more effective at shielding the runoff than a gutter would. A gutter also becomes a maintenance problem. He commented they also like the way it looks.

Member Gittlein asked the timeframe in terms of construction.

Mr. Mansfield explained that the public comment period ends on September 15th. At that point, it is up to the State Commissioner to evaluate the comments and to make a decision about how to proceed. Assuming it gets to a point that they can move forward, they will get in touch with the architects and they will go into designing the actual drawings for the bid process. The intent is to be out to bid late winter and set up for construction to start about this time next year. That would line up a new building to be open for the start of the 2019 season.

Chairman Epperson asked if anyone from the public had a comment or question.

Sam Winebaum, 52 Cable Road, stated the traffic situation is chaotic on a busy day. It is very dangerous and impossible to get through on foot. He asked if the Board could request that DOT start to get involved in mitigating the traffic hazards and the speed. He is concerned about losing 2ft of the breakdown lane, even though that area is not as much of an issue as the rest. It was heard that the parking lot across the street has dramatically increased with people going across to the beach. However, he does not see any of those property owners picking up any of the tab or mitigating the hazards they create on their lot with a few cones. He thinks that needs to be put into the mix with this traffic situation. They could spend a few dollars, with DOT supervising, on curbing for access that is controlled.

Chairman Epperson commented the Board addressed this about three years ago and some improvements were made; however, there really wasn't near enough. He agrees that it is a crazy corner.

Peter Crawford, 171 Brackett, stated that he agrees the traffic there is horrendous. Unfortunately, the whole rationale for the number of bathrooms is based on a study of the number of people using the beach over a stretch of about a mile with the assumption that people

are going to walk to this one bathhouse. He does not think there are any bathhouses at all at Sawyer's Beach. This is concentrating more traffic in one location.

Chairman Epperson stated that behind the Dune's there is a parking lot that has been the subject of controversy over the years. It might be time to revisit this issue with DOT and Public Works.

Mr. Crawford stated that he would have liked the State to have given the money for a couple of additional bathhouses and keep this one small. That would have been a much better solution.

Alternate Sherman stated that the problem is there is no place for emergency vehicles to come in. There is an increased need for emergency vehicles and this plan allows for that. The idea is a great one. However, they still need to make room for the influx of people that are in this area. The people who are being welcomed to the area have to be provided for. She does not think this is being done right now.

Chairman Epperson reiterated that they will include Ryan McGill's letter in the Planning Board's report.

No other comments were heard from the public.

- Conceptual Consultation on changes for a Major Subdivision, Lot Line Adjustment and Conditional Use Permit by the Housing Partnership for property located at 0 Airfield Drive, Tax Map 10, Lot 15-4, for construction of a residential development consisting of a mixture of single-family and multi-family dwellings with a portion being dedicated as Workforce Housing. Property is in the Commercial Zoning District.

Attorney David Brown, representing the applicant, spoke to the Board. He stated that the concept is for 40 units, including Workforce Housing, on 10 acres at Airfield Drive. This is the best option for the Town to do something with Workforce Housing included, which will meet the State's intent and the Town's zoning intent to include something like this in town. He noted there are not many options and this is the best location. The vote 7 years ago was overwhelming in favor of Workforce Housing. He hopes the Board will help and guide them through the process.

Marty Chapman, Executive Director of The Housing Partnership, stated that The Housing Partnership is a non-profit organization. The mission of The Housing Partnership is to provide Workforce and Affordable Housing to citizens who need it. They do work in the New Hampshire Seacoast and Southern Maine. In 29 years, they have developed projects in 12 communities, as far south as Rye and as far north as Kennebunk, Maine. The Housing Partnership also provides homebuyer education for people who are interested in buying their first home. They are the largest provider of HUD Certified Education in the seacoast and they also provide one on one financial counseling. All of that is done free of charge. If this application is successful with the Workforce component that will all come in to play. He continued that last fall they put the project on hold to focus on finishing a project in Dover. At the beginning of the

year, they started refocusing on this project. Last April, a full application was submitted; however, a continuance was requested for two months because of the heavy agenda of the Board. He noted that Attorney Donovan picked up on the fact that the design had a conflict with the zoning. He continued they are not interested in presenting a proposal that has any need for variances. They do not want to go to the Zoning Board and are hoping to ask for very little relief from the Planning Board as well. They have taken the last two months to go back and revisit the design.

Mr. Chapman stated that the design they are proposing is a multi-family development, which will be developed under the multi-family ordinance with a Workforce Housing component. All of the units will be offered for sale. The proposal is for 40 units. He pointed out that looking at the density calculations, there would be more units allowed at the site; however, 40 is the cutoff under the ordinance. The units are laid out in clusters and they have tried to create a neighborhood situation. One of the great attributes of the site is it allows for a self-contained neighborhood, while having an incredible access to Route 1 and all that has to offer. He stated that the price of the Workforce Housing units and the people that will qualify for those units is set by State statute. The Workforce Housing units will also be protected by a deed covenant to protect the Workforce Housing and to prevent an owner from cashing in on those.

Chairman Epperson asked if it is possible for an owner to rent out their unit.

Mr. Chapman noted that it has to be owner occupied in almost all cases.

Chairman Epperson asked how many units they are proposing for Workforce Housing.

Mr. Chapman replied 20%. The owner shift structure will be condominium. That means the developer will turn the site over to the condominium association which will be comprised of the owners of the units. The condominium documents which define the rules and regulations for the development will be put in front of the Board and Attorney Donovan. He continued that he wants to be clear about the term Workforce Housing. Workforce Housing in the public's mind is generally considered subsidized housing. Meaning there is some sort of funds involved for the catalyst and enforcement of the below market component. In this case, there is no public subsidy. There really is not much public subsidy available for home ownership. It mostly goes to rentals. The proceeds from some of the market units will go to offset the deep discount of Workforce Housing. The affordable units will be sold for less than what it costs to build. He wants to be sure there is an understanding between the standard government subsidized housing versus what is happening here which is basically the reallocation of resources from the development internally to help offset the costs.

Selectmen Jenness asked if the quality of the Workforce Housing will be the same as the rest of the buildings being built.

Mr. Chapman explained that Rye's ordinance is very clear that Workforce Housing should not be of any different quality. The Workforce Housing units also have to be dispersed throughout the development as to not isolate them in one area of the development. When someone drives through the development they would not be able to say which units are Workforce versus market.

Chairman Epperson asked if the developers will make a profit off this project.

Mr. Chapman stated that they expect to make some profit. In the Workforce Housing Developments, they typically make a 7% to 10% margin. Here there is a lot more risk because they do not have public funding. It is purely a market development.

Chairman Epperson asked if they have an idea of what the starting price would be for the non-Workforce Housing units.

Mr. Chapman replied that he does not like to put numbers into the record. It is fair to say that there is very little new construction in the Town of Rye available for the pricing that is being considered.

Member Low stated that when this concept was explained to him a couple of years ago, he was worried about only getting 20% from this development. The more he thought about it, there is no other developer that has come forward and Rye has the zoning for Workforce Housing. He commented that this concept must have been done before.

Mr. Chapman commented there are not that many town ordinances in the State that facilitate the mixed income. Market developers want to maximize their revenue.

Alternate Carter asked if people can pass the units on to their children.

Mr. Chapman replied that he does not know the answer. Whoever the players are, they are still subject to the deed.

Sarah Hourihane, architect, stated that from the beginning it was clear that The Housing Partnership wanted a development that would foster community relationships. There was discussion about the idea of pocket neighborhoods, which is the clustering of homes in the neighborhood on a small scale. There would be 12 units within its own neighborhood that is within a larger neighborhood. It allows a closer connection with the neighbors. In looking at the layout, the units started to form into little pods. There are three distinct clusters and some units along the perimeter for people that may not necessarily want the same feel that the pocket neighborhood has. The idea is to turn the focus of the design away from the street and putting the front door onto the green space that is shared with the neighbors. She commented there are options for people who want more privacy in their backyard that would be found in a typical development. She noted there are three different entrances into the site from Airfield Drive. There are driveways off the streets and all the garages would face the street. The front door and porch is on the interior side. The front porch would be looking at the neighbor's front porch across a common green space. The buildings are all the same design.

Member Quinn stated that last year's proposal had some roads as one-way traffic. He asked if these roads are all two-way traffic.

Ms. Hourihane replied yes.

Chairman Epperson stated that the streets look narrow.

John Chagnon, Ambit Engineering, noted that these are not public streets. They are private.

Alternate Carter asked how far apart the houses are.

Ms. Hourihane replied about 60ft.

Member Gittlein asked what the connection is between the buildings.

Ms. Hourihane replied it is a screened porch. Even though these look massive on the plan, in walking through the site the scale is very residential in keeping with Rye. Although the units are connected, there is transparency through the porches linking them.

Member Gittlein asked the square footage of the homes.

Ms. Hourihane replied that they range from 1600 up to 1900sf. There are three and four bedroom options. They will be built on full basements and two car garages.

Vice-Chair Losik stated that she was worried about some of the landscaping choices. She asked if there is space available for small maples and other trees.

Ms. Hourihane replied absolutely. She pointed out this is what they are intending; however, they have not done a landscape plan at this point. The vision is to have a variation of shade trees, seagrass and low-lying bushes.

Chairman Epperson asked if there is any idea of how many kids will be in the development.

Mr. Chapman stated that the affordable housing will absolutely attract families. The rest of the units are designed so the area adaptable between empty nesters to middle age. It is very hard to predict. In the market units, they will lean more towards middle age and families in the affordable units; however, they are hoping for families in the market units as well. The floorplans were designed to be as flexible as possible.

Referring to the plan, Chairman Epperson asked what the green area is in the top right hand corner.

Ms. Hourihane explained it is a raingarden area.

Mr. Chagnon explained that there was a large area that was developed to be used for drainage mitigation for the development across the street. Half was reserved for whatever development came on this site. In the process of this design, that is going to be improved and made into a raingarden. It was designed simply to be a disbursement area.

Chairman Epperson commented that the raingarden will have depth but it will be planted at the bottom with different kinds of plants. He asked if this will be creating an attractive nuisance for children.

Mr. Chagnon replied no.

Member Low commented it has never been full of water.

Mr. Chagnon noted that it is fenced off also.

Alternate Carter asked what material they are envisioning for the outside of the buildings.

Ms. Hourihane stated it will be a mixture of clapboard and cedar shingles. It will be in keeping with a style that would be seen in Rye. She noted that because these are long buildings, they want the massing to feel appropriate and to scale in this neighborhood. There are several single story areas. The connection between the duplexes will drop down even lower and follow the grade so everything settles in nicely. (She reviewed the elevation plans for the Board.)

Member Quinn asked if there is a lighting plan for the development.

Ms. Hourihane replied there will be a lighting plan. It is not done at this time.

Referring to the homeowners' association, Vice-Chair Losik asked if The Housing Partnership would be involved with the association as an advisor.

Mr. Chapman replied that this is not what they have envisioned. The hope is that the process will be set up tightly enough in the condominium docs that it can be passed off to the association.

Vice-Chair Losik asked about the yellow area on the plan.

Ms. Hourihane explained that this is being held out as a playground area. It may not be in this location.

Selectman Jenness asked where the snow is stored.

Mr. Chagnon explained that this will be plowed like a regular road. There will be snow along the edges. The driveways would be shoveled off into the green space.

Selectman Jenness asked if the snow would have to be carted off site.

Mr. Chapman commented that this is something that the association would have to work out with the vendor.

Selectman Jenness commented that the roads are private versus public. She noted that they still have to be sure that a ladder truck can get through there. There will still need to be discussions with the fire chief.

Mr. Chagnon agreed. He continued that the road layout is pretty much to the town's design standards. A road is probably going to be 2ft or 4ft narrower than a public street would need to be. It will cut down on impervious surface.

Referring to the two interior corners, Selectman Jenness stated if the snow banks are high, those look fairly sharp.

Mr. Chagnon stated there is a 15ft, if not a 25ft, radius. That is standard for a T section on a public street.

Alternate Carter asked where they are proposing to locate the septic systems. He asked if there is a possibility of connecting to Portsmouth sewer.

Mr. Chagnon noted that the septic systems in the design plan that was submitted a year ago will not change with this layout. The septic systems will be below the community space area. (He pointed out the locations of the leachfields on the plan for the Board.) There are groups of units that go to a septic field and that is to spread out the septic loading across the site so the nitrates will not be concentrated in one area. He continued the site is going to be served by Rye Water District. There is a main on Airfield Drive. The pipes will be brought in and looped through the project. The main would be in an easement because these are not public roads. The Water District is okay with a blanket easement. Each building will be served with its own shutoff and meter. The buildings will have to submeter to each individual unit so each will have its own service. He continued the stormwater runoff is going to be collected. There will be roadside swales with culverts at various locations that will bring the water to the raingarden and treat it before it leaves so there will not be any impact off site to any abutters. The sewer is a fair distance away at the town line. The City of Portsmouth has a system that was extended to the Adam's Mobile Home Park. He noted that they have been in touch with Portsmouth. They would not take a request from individuals to extend the sewer.

Chairman Epperson asked if they have spoken with the Rye Sewer Commission.

Mr. Chagnon replied that they have not.

Chairman Epperson stated the septic system scare him to death. There is a similar development over in Stratham called The Vineyards. They have shared systems. They just spent over \$300,000 out of their own pocket to restore those septic systems again. He thinks it would be worth a conversation with the Sewer Department. If there is every going to be an opportunity to have sewer in this part of town, this is it.

Mr. Chagnon commented that the sewer would have to go down Route 1. Route 1 is a State highway. The State does not allow private utilities in their right-of-way. The Town of Rye would have to own, develop and maintain that sewer. If the Town of Rye wants to create a public sewer on Lafayette Road, the Town is going to have to ask Portsmouth to create a public sewer along the State highway. He continued that the soils are very conducive. The advanced systems are being proposed for the development.

Selectman Jenness asked if they would have a vent that is exposed.

Mr. Chagnon stated that the fields would be big enough that a vent should go in.

Selectman Jenness stated that the fronts of the buildings face each other. The septic systems are in the front, which means the fronts face the vent.

Mr. Chagnon explained the vent would come back to the building. The vent would be hidden.

Alternate Carter asked if work has been done on the intersection with Route 1.

Mr. Chagnon stated that this was one of the things the Board was concerned about and asked them to consider. The Housing Partnership engaged a traffic engineer. The traffic study was submitted in full and will part of the discussions going forward. Essentially, the report says that this project is not going to rise to the level of needing to do anything at that intersection. He continued that in approaching Airfield Drive from Lafayette Road, it is a wide open entrance. That was done when Airfield Dive was built to accommodate three lanes. The Housing Partnership would now stipe that so there would be a dedicated left turn lane coming out onto Lafayette Road. He stated that a hydrogeological study was done by Tim Stone. That study shows that the disbursement of the septic's would not create any nitrate concentrations higher than the allowable limits.

Chairman Epperson asked if there would be underground utilities.

Mr. Chagnon replied yes. Currently, there is underground utilities for Airfield. The network for electric, telephone and cable would just be extended.

Chairman Epperson asked if a septic plan has been done.

Mr. Chagnon replied yes. The plan is pretty much going to be the same as last year.

Ms. Hourihane commented that the design has the potential for 12 four bedroom unit and 28 three bedroom units.

Hershey Hirschkop, Project Manager, stated that in speaking with local realtors, they found that there was not a big demand for four bedrooms units. There is the option to have a first floor bedroom if a buyer is looking for that.

Alternate Carter asked if the affordable units will be both three and four bedroom units.

Mr. Chapman explained that the State requires that there be an equal mix.

Regarding the septic systems, Vice-Chair Losik stated that it seems like it is being planned for three bedrooms per unit.

Mr. Chagnon noted that the system is designed for more bedrooms. As the model has been refined, they have come to the 12 four bedroom and 28 three bedroom. Each system is based on a certain number of gallons per day, which is the State requirements for design.

Chairman Epperson asked the impervious coverage for the project.

Mr. Chagnon stated that it goes from 1.25 to 26.6%.

Chairman Epperson asked if the road construction will be asphalt.

Mr. Chagnon confirmed.

Chairman Epperson asked if it could be the high-tech asphalt that absorbs water.

Mr. Chagnon stated that he does not think they need to introduce porous pavement at this project.

Mr. Chapman noted that this would become a maintenance item for the association.

Vice-Chair Losik asked about the HISS mapping.

Doug (?) noted there was a HISS map done for the project across the street that included this area. The difference is negligible since this is one homogenous soil. He continued that it could be handled two ways. They could ask the owner if they could use the original mapping or they could ask for a waiver.

Chairman Epperson stated that he'd like to see the HISS that was done before. Maybe the soil scientist that did it is still around and can verify that it is still valid.

Alternate Carter stated there are going to be a lot of large buildings and they will be pretty much the same architecturally. He asked how they are going to fight against the monotony of everything looking the same.

Ms. Hourihane stated that they had talked about the buildings having different colored siding and maybe different applications of trim. There may be clapboards on some of the building and shingles in other areas.

Chairman Epperson opened to the public for comments.

A resident from 18 White Birch asked about the traffic flow.

Chairman Epperson commented that they have not reviewed the traffic study yet. The Board will look at the traffic flow when they get the plans.

Kay Ford, 3 White Birch, stated that the traffic is astronomical in the summer on Route 1A. She expressed concerns on the traffic of people heading out to work. She does not think Airfield Drive is big enough for all this traffic.

A resident from 6 White Birch expressed concerns on exiting and entering Airfield Drive.

Peter Crawford, 171 Brackett Road, stated that at the Selectmen's meeting there has been discussion about the traffic problems on Dow Lane. Selectman Winslow was saying that Dow will be the last entrance into Rye once Lang Road is taken care of. He continued that this is almost like another entrance into Rye. There is going to be a lot of traffic. He stated that his understanding is that there were a lot of problems with the construction quality of White Birch. He thinks the Board needs to look very closely at those issues and the history of White Birch. They should also look at the history of the former Rand Lumber parcel. He thinks a lot more was approved than what the residents in Town really wanted.

Chairman Epperson stated that he would be the first to admit that what was proposed on the application and what actually happened there was not what was expected. That has been addressed through the zoning by changes in the ordinance. The Board did what was permitted in the ordinance at that time. He continued that his mother-in-law was one of the very first people to move into White Birch. She lived there for a year. There is no question that there were issues at White Birch in the beginning. His understanding is that over the past three years those issues have been mitigated. He noted that the Board will ask the right questions when the application is presented.

Mr. Crawford commented that 40 units is a lot to cram on this 10 acre site. He continued that he is not overall in favor of sewers in Rye; however, on Route 1 it is needed. This may be the opportunity to improve that situation.

Leslie Hill, 18 Random Road, asked the number of units and acreage at White Birch.

Mr. Chapman explained that this was also a ten acre parcel but the developable land was about 3.2 acres. There are 22 units on less than 4 acres.

Ms. Hill asked about ledge on the property.

Mr. Chagnon explained that White Birch is to the right of the parcel and the soil gets a little rocky in that area; however, the rest of the site is pretty uniform and does not have ledge.

Ms. Hill commented that this is a very small area to attract families. She asked where the children are going to play.

Ms. Hourihane explained there is green space between the pockets that are visible and accessible to the units. Each unit has their own pocket neighborhood.

Ms. Ford stated that there have not been any major problems at White Birch in regards to water. She has been living there for four years and have not had any problems what-so-ever.

Ms. Hirschkop stated that they could have designed a basic subdivision with every home looking out at the street. Instead, they decided to take this risk and make a huge effort to create these pocket neighborhoods so that people could have more of a community feel where they live. She

commented that they have seen this be very successful in other developments. It offers plenty of green space. There is about 60ft to 100ft between the buildings.

Sam Winebaum, 52 Cable Road, stated that these kinds of approaches are truly the future. Out west they are done commonly. The key is to have open space around them. He continued that he is skeptical of the full basements. He thinks they need to think of the 500 year storm and where the water will go.

Speaking to Mr. Chapman, Chairman Epperson asked if White Birch was built on a slab.

Mr. Chapman replied yes.

Chairman Epperson asked if there is any reason these could not be on a slab.

Mr. Chapman explained that relative to the market these are moderately priced. These are still someone's home and in the long run having a basement is more desirable.

Doug stated that test pits were done on the site. Marc Jacobs is the licensed soil and wetland scientist. There was no water table down to 15ft in the pits right along Airfield Drive. There was one place that hit seasonal high water. Closer to White Birch the soils change from a deep gravel to more normal NH soil.

After discussion, Mr. Chapman stated that they will come back to the Board with a full submission for November.

- Meeting with RPC about changes to the Land Development Regulations.

Planning Administrator Reed stated that she asked Glenn Greenwood from Rockingham Planning Commission (RPC) to meet with the Board. With all the changes that have been made with the Conditional Use Permit, going all the way back to 2010, which includes Workforce Housing as well as accessory dwelling units, they now have moved a lot of the zoning into the Land Development Regs for Conditional Use Permits. Also, the times have changed and how things are done. She noted that the last time the Land Development Regs have thoroughly been done was back when they were written in 1988. She is seeking the assistance of Rockingham Planning to go through and redo the Land Development Regs. She continued this is not something that can be done right now. It would have to be budgeted. The budgeting process starts later this month. Provided the budget is approved in March of 2018, the Planning Board can then hire RPC to work with them to rewrite the Land Development Regs.

Glenn Greenwood stated that he took some time to review the Town's LDR and there is some good information; however, a lot of it is outdated. A lot of it will require some discussion with the Board. He continued that he heard the conversation with the last applicant about HISS mapping. HISS mapping was something that came about in the 1980's because it allowed planning boards to understand the very important component about soils. From his perspective, it is really outdated. Site specific mapping is much better. This has to be done at the State level

for any permitting. He is trying to look at ways to make sure the development process is a good process. He is not really sure that HISS is a good element for a planning process anymore.

There was some discussion on site specific soils mapping.

Mr. Greenwood stated that the other area where the LDR is behind the eight ball is in stormwater management. The new manual that DES did in 2007/2008 is a much more current document with many better methods for achieving proper stormwater management. That should be referenced because for State permits they are already using the new stormwater manual. He commented that the Board does not want to get caught in making them do things that really are excessive. He continued that the Town has structured its ordinances to read the same for subdivision and site review. All the regulations are put into one basket and there is only one place to go to look for them. If someone is only doing a subdivision, they have to look through a lot of information for site plan that is really superfluous. A good engineer would wonder if these are together because the Board wants to see this. That is a confusing situation to put the developer in. He advocates that they could come to the Town and ask for the Site Plan Review Regulations and be handed the regulations that only apply to their application. That would mean an entire reformat of the regulations because they are in one big basket right now. He noted that there are things they can do, even if the regulations stay together, to make it easier to understand.

Chairman Epperson asked what the best practices are.

Mr. Greenwood stated that in most any town they are separated.

Vice-Chair Losik stated that what happens right now is the Board may not see things, when they should be seeing things, because they might be looking at the wrong things.

Chairman Epperson asked if he thinks this could be confusing to a developer to not know what he needs to submit.

Mr. Greenwood commented that he thinks it can be confusing. It could certainly be made easier to understand what the regulations really say.

There was some discussion on the preliminary versus a full submission of an application.

Mr. Greenwood stated that he needs some time to process how much this will cost. He suggested that he work with Mrs. Reed on things that can be broken out so that it doesn't cost an arm and a leg. He will submit a couple of cost estimates to the Board.

Alternate Carter asked the timeframe for the process.

Mr. Greenwood stated the last time he did a full rewrite it took 12 months.

The Board agreed that they should move forward with this project.

- Update to the Rules of Procedure

Chairman Epperson noted that the Selectmen have asked the Board to update its Rules of Procedure in regards to members talking to the applicants or their friends about applications that are before the Board. (A memo from the Selectmen was submitted to the Board for review.)

Motion by Jeffrey Quinn to accept the new Rules of Procedure for the Planning Board as amended. Seconded by Patricia Losik. All in favor.

Dominique Winebaum, 52 Cable Road made a comment in regards to the rules of procedure posted on the Town Website they are still the 2012.

Chairman Epperson said okay we will update.

VIII. Old Business

- a. Chapters of Master Plan to move to public hearing in October for acceptance.

Chairman Epperson stated there are several chapters of the Master Plan that have been revised; 7, 6, 4 and 3. They are updates to the natural resources, transportation, land use and a new chapter called, Coastal Hazards and Climate Adaptation. The chapters have to go to a public hearing.

Ms. Reed stated that Steve Carter read through and had some changes. Jeff Quinn had comments when he could not attend the June meeting and those were updated in the plan you have before you by Julie LaBranche and I.

Member Carter, Chapter 3 upland roads are odd but most grammar. He reviewed his edits from his review of the chapters.

Dominique Winebaum, 52 Cable Road wanted to speak about the Master Plan she had a bad memory about the 2012 Master Plan.

Sam Winebaum, 52 Cable Road stated there were many errors.

Chairman Epperson stated there will be a public meeting and the changes and public can address the changes, edits and add comments and suggestions.

Member Carter talked about a change highest annual tide and questions it.

Member Losik, Chapter 3 on page 3-2 too broad protecting important infrastructure.

Mr. Reed replies that this came from the public during the two public vision sessions. She will talk to Julie LaBranche.

Member Losik remembers a storm in 2008 lost power for days.

Chairman Epperson said there are probably a lot that we missed and that is what a public hearing is for.

Member Quinn asked if a special meeting.

Chairman Epperson stated that is a good idea.

Planning Administrator Reed noted the edits and the Board reviewed and discussed. Mrs. Reed also noted questions asked by Vice-Chair Losik that she will present to Julie LaBranche, RPC.

Peter Crawford, Brackett Road recommends not accepting it the same night as the public hearing.

Chairman Epperson replied that makes sense.

There was discussion on holding a special meeting for the chapters in October 12, 2017 for public comment.

- **Regular Planning Board Meeting, Tuesday, October 10th**
- **Special Meeting on the Master Plan Chapters, Thursday, October 12th**

IX. Pay Escrows

- **None**

X. Subcommittee Updates

Vice-Chair Losik noted that Rules and Regs is focusing right now on Section 306, Aquifer and Wellhead Protection. Representatives from Aquarion Water met with Rules and Regs and talked about the protection area around Well 5A. DES has prepared for the Town a map which shows the aquifer with the wellhead protection areas for both Rye Water District and Aquarion. She noted that they are going to be working on changing the language in 306 to bring in Aquarion. Rules and Regs will also be holding a site walk with Aquarion at Well 5A on Wednesday, September 13th, 4:00 p.m. She continued the Wetlands Subcommittee from last year reconvened. They will be working on issues that have been brought to the subcommittee from the building inspector.

Planning Administrator Reed spoke in regards to Proposed Zoning Amendment, 2018-02, Accessory Dwelling Units. She asked for a motion to move this to a public hearing for the October 10th meeting.

Motion by Mel Low to move Proposed Zoning Amendment 2018-02 to the October 10th Planning Board meeting. Seconded by Patricia Losik. All in favor.

XI. Communication

At 10:25 p.m., Patricia Losik made a motion to go into non-public session for exemption to the Right-to-Know to discuss legal Seconded by Jerry Gittlein.

**Roll Call: Mel Low – Yes, Steve Carter – Yes, Jeffrey Quinn – Yes, Jerry Gittlein – Yes, Patricia Losik – Yes, Bill Epperson – Yes
Priscilla Jenness recused herself.
Katy Sherman recused herself.**

The Board came out of non-public session at 11:00 p.m.

Motion by Jeffrey Quinn to seal the minutes of the non-public session. Seconded by Patricia Losik. All in favor.

Adjournment

Motion by Mel Low to adjourn at 11:01 p.m. Seconded by Jerry Gittlein. All in favor.

**Respectfully Submitted,
Dyana F. Ledger**

TRUSLOW RESOURCE CONSULTING TECHNICAL MEMORANDUM

To: Kim Reed, Town of Rye Planning and Zoning Administrator and Members of the Planning Board, Town of Rye, NH

From: Danna Truslow, Truslow Resource Consulting LLC

CC: Michael Donovan, Counsel, Town of Rye; Christian Smith, Beals Associates PLLC

Subject: Clarification of Attorney Peter J. Loughlin letter and statement
421 South Road Proposed Development

Date: August 3, 2017

Peter J. Loughlin, attorney for Mr. Joseph Falzone, prepared a letter to the planning board dated July 13, 2017 and also read that letter at the July 18, 2017 planning board meeting on the subject development.

There was a statement regarding my attendance on the walk and a statement that I reportedly made on the second site walk. The statement on page 3, first paragraph of the letter was inaccurate. It reads, "When the town's hydrologist speculated that an area seen on the side (sic) walk during a heavy rain was a wetland that was not included on the wetland plans,".

I want to clarify that I did not speculate that an area was a wetland on this walk. Someone asked me on the walk about a drainage feature, which I said I had not seen before. I also stated to several participants during that walk when asked wetland-related questions, that I am not a Certified Wetland Scientist, but that the presence of water alone does not constitute a wetland, and that hydrology, soils and vegetation must all be used to determine the presence or absence of a wetland.

This clarification should be added for the record on this project.

RYE PLANNING BOARD
PUBLIC HEARING NOTICE

Proposed Zoning Ordinance and Building Code Amendments

The Rye Planning Board will hold public hearings on September 12, 2017 at 7:00 p.m. at the Town Hall, 10 Central Road on two proposed amendments to town ordinances. Zoning Ordinance Amendment No. 2018-01 would amend the Section 400.1 to change the reference to Section 400.7 to Section 400.8. This is a housekeeping amendment to correct a typographical error. Building Code Amendment 2018-01 would amend Section 7.9.4 Prohibited Conditions to amend Section 7.9.4.1 to add buffer and change the section reference in the zoning ordinance to 301.8, A and add the following language, "except replacement of existing septic systems pursuant to Section 301.8 B(2) of the Rye Zoning Ordinance. The amendment makes the building code consistent with the Wetlands Ordinance as amended by voters in 2017 It also corrects an erroneous reference. Copies of the proposed amendments are posted at the Rye Town Hall and available at the Planning Office and on the town website.

William Epperson, Chair
Rye Planning Board
August 25, 2017

July 11, 2017, Amended August 8, 2017

RYE PLANNING BOARD
PROPOSED ZONING ORDINANCE AMENDMENT 2018-01

Re: Temporary Permits for Mobile Homes or House Trailers

Amend Section 400.1 to change the reference from Section 400.7 to Section 400.8, as follows: (Note: Deleted language struck through. New language ***emboldened and italicized***).

400.1 General: The use, rental or maintenance of mobile homes or house trailers shall be permitted within the Town of Rye only in approved developed park sites and mobile home subdivisions or under temporary permits as per ~~§ 400.7~~ ***§ 400.8***.

Explanation

This is a housekeeping amendment to correct a typographical error. § 400.8 allows the Board of Adjustment, after public hearing, to grant a temporary permit not to exceed ninety (90) days for a single mobile home or house trailer to be placed upon a lot in any district and used by the owner or owner's immediate family.

RYE PLANNING BOARD
PROPOSED BUILDING CODE AMENDMENT 2018-01

Re: Septic Systems in Wetlands Buffer

Amend Section 7.9.4.1 of the Building Code as follows. (Note: Deleted language struck through. New language *emboldened and italicized*).

§ 7.9.4 Prohibited Conditions. The following are considered unsuitable for the disposal of septic and effluent and may not be remediated by the addition of fill, blasting, excavation or other methods.

7.9.4.1 The Wetlands ***Buffer*** of Section ~~301.7~~ ***301.8, A*** of the Zoning Ordinance ~~and all land within 100 feet of these protected wetlands~~ ***except replacement of existing septic systems pursuant to § 301.8, B. (2) of the Zoning Ordinance.***

Explanation

The amendment makes the building code consistent with the Wetlands Ordinance as amended by voters in 2017. It also corrects an erroneous reference to the zoning ordinance section describing the Wetlands Buffer.

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Governmental Use of Property

Section 674:54

674:54 Governmental Land Uses. –

I. In this section, "governmental use" means a use, construction, or development of land owned or occupied, or proposed to be owned or occupied, by the state, university system, the community college system of New Hampshire, or by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature.

II. The state, university system, community college system of New Hampshire, county, town, city, school district, or village district shall give written notification to the governing body and planning board, if such exists, of a municipality of any proposed governmental use of property within its jurisdiction, which constitutes a substantial change in use or a substantial new use. Written notification shall contain plans, specifications, explanations of proposed changes available at the time, a statement of the governmental nature of the use as set forth in paragraph I, and a proposed construction schedule. Such notification shall be provided at least 60 days prior to the beginning of construction. Either the governing body or planning board of the municipality may conduct a public hearing relative to the proposed governmental use. Any such hearing shall be held within 30 days after receipt of notice by the governing body or planning board. A representative of the governmental entity which provided notice shall be available to present the plans, specifications, and construction schedule, and to provide explanations. The governing body or planning board may issue nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations to the sponsor of the governmental use within 30 days after the hearing.

II-a. Any use, construction, or development of land occurring on governmentally owned or occupied land, but which is not a governmental use as defined in paragraph I, shall be fully subject to local land use regulations.

II-b. The construction and operation of any solid waste disposal facility on land owned or occupied by any city or town within another city or town shall be subject to local land use regulations to the same extent as if the land were owned and occupied by a private entity. Nothing in this paragraph shall affect the construction and operation of a solid waste facility on land owned by a solid waste management district formed under RSA 53-A or RSA 53-B or any combination of municipalities authorized by an act of the general court, if the land is located within a city or town that is part of the district.

III. This section shall not apply to:

(a) The layout or construction of public highways of any class, or to the distribution lines or transmission apparatus of governmental utilities, provided that the erection of a highway or utility easement across a parcel of land, shall not, in and of itself, be deemed to subdivide the remaining land into 2 or more lots or sites for conveyance for development purposes in the absence of subdivision

approval under this title. For purposes of this subparagraph, "transmission apparatus" shall not include wireless communication facilities.

(b) The erection, installation, or maintenance of poles, structures, conduits and cables, or wires in, under, or across any public highways under RSA 231, or licenses or leases for telecommunication facilities in, under, or across railroad rights of way. For purposes of this subparagraph, "structures" shall not include wireless communications facilities.

IV. In the event of exigent circumstances where the delay entailed by compliance with this section would endanger public health or safety, the governor may declare a governmental use exempt from the requirements of this section.

Source. 1996, 262:1. 1998, 281:2. 2007, 29:1, eff. May 14, 2007; 361:32, eff. July 17, 2007.

Kim Reed

From: Summer Sessions Surf Shop <summersessionsnh@gmail.com>
Sent: Tuesday, September 12, 2017 9:40 AM
To: Kim Reed
Subject: Planning Board Meeting Jenness Beach Bathhouse Concerns
Attachments: Sidewalk cut down to 2 ft 8 inches.png; Sand build up, no curb, reduced sidewalk.png; reduced bike lane and additional walking space.JPG; top of pole is 18.5 feet, new roof height, also two of ten parking spots lost.JPG; FLOOR PLAN (1).pdf; Rye Planning Board Jenness Beach.docx

Hello Rye Planning Board,

Please take these issues into consideration for the over 600 petition signees and residents.

(Attached is an easier to read word document)

In the presentation the State made to the Rye citizens on August 31st, the guidelines for this project were based from the NH Coastal Byway Corridor Management Plan. This is from Slide #4, "To establish community-based goals and implementation strategies to preserve and highlight the scenic, cultural, natural, historic, recreational, and archeological qualities that make the roads special."

The final note on the same slide stated, "Jenness Beach area identified as a "priority zone" for bicycle and pedestrian improvements."

With beach goers participation in this development process, the State has made some needed improvements (traffic direction changed back, angled parking changed back and part of the sidewalk back) but we need to create a design that better fits the space that is available. It is our responsibility and the States to preserve the scenic beauty of our coastline and prioritize bicycle and pedestrian safety

1. They had originally taken away the only sidewalk in Jenness State Park. The sidewalk has been replaced. But residents have a problem with the State taking 1.4 feet from the sidewalk and 2.3 feet from the bike lane.

- Current sidewalk at Jenness Beach State Park is 4 ft
- New proposed is 2 ft 8 inches (see attached)
- New proposed sidewalk has no curb (which could be fine) but they will need to figure out a plan to move the sand that collects in the parking lot. This sand will fill against the wall without a curb and make 2.8 ft much smaller (see attached)
- The bike lane is shrunk by 28% adjacent to the parking lot. They have it noted on the drawing as 3 ft into the bike lane. Along with getting rid of additional walking space (see attached). We generously reduced the 3ft total into the bike lane, by subtracting curb width to get 2 ft 3 inches.

- These pedestrian walkways should be our "priority zone", NOT making the parking lot wider. The smaller parking lot forces people to move slower backing up and parking. Larger sidewalk will help to keep people out of the parking lot and using the crosswalks more. Also larger sidewalks will help handicap accessibility, as 2 ft 8 inches is very tight without additional sand in the walkways.

2. The "Truck and Beach Rake" beach access at Jenness State Park is currently 9ft, why do the same machines need 23 ft behind the building?

- The State has allocated 23 ft behind the building, which is the same length of the entire current bathhouse front to back of property line.

- If the State reduced this distance by 10 feet or more they could add 2 income generating parking spaces and preserve 10 plus feet of ocean views, every bit matters.

- The whole building is in the flood plan so the State's additional reasoning for the building to be further forward will not save the building in a storm of any magnitude.

- The proposed build with ramp and green space is 76.5 feet off the back wall compared to the current 23 ft. This is NOT preserving scenic views.

3. wall heights are not at a minimum- should be reduced

4. roof height – The roof height is as high as the top of the pole that holds the Jenness Beach sign. For quick reference and review how much space is lost in parking and the height of the pole, please see attached. The height of the building is noted to the public as 17'2 ft., but that is not to the peak of the roof it's the overlaid hip. Its 18'3, zero reduction in height as residents requested.

Current bathhouse roof height is 10.5 feet exact.

Why use a hip and not a gable roof?

We need to use the width of the parking lot and not the length. This is why we have also attached drawings from well-respected local architect Lisa Destefano. It's the most creative way to look at using the space. Along with plumbing access in the back as the toilets would line the back wall. This design provides the same toilet fixtures and family bathroom in half the square footage. It also saves 14 feet in length, which is precious space. This could add an additional two parking spots and keep more scenic views for all coming to see the ocean. There is no space for excess.



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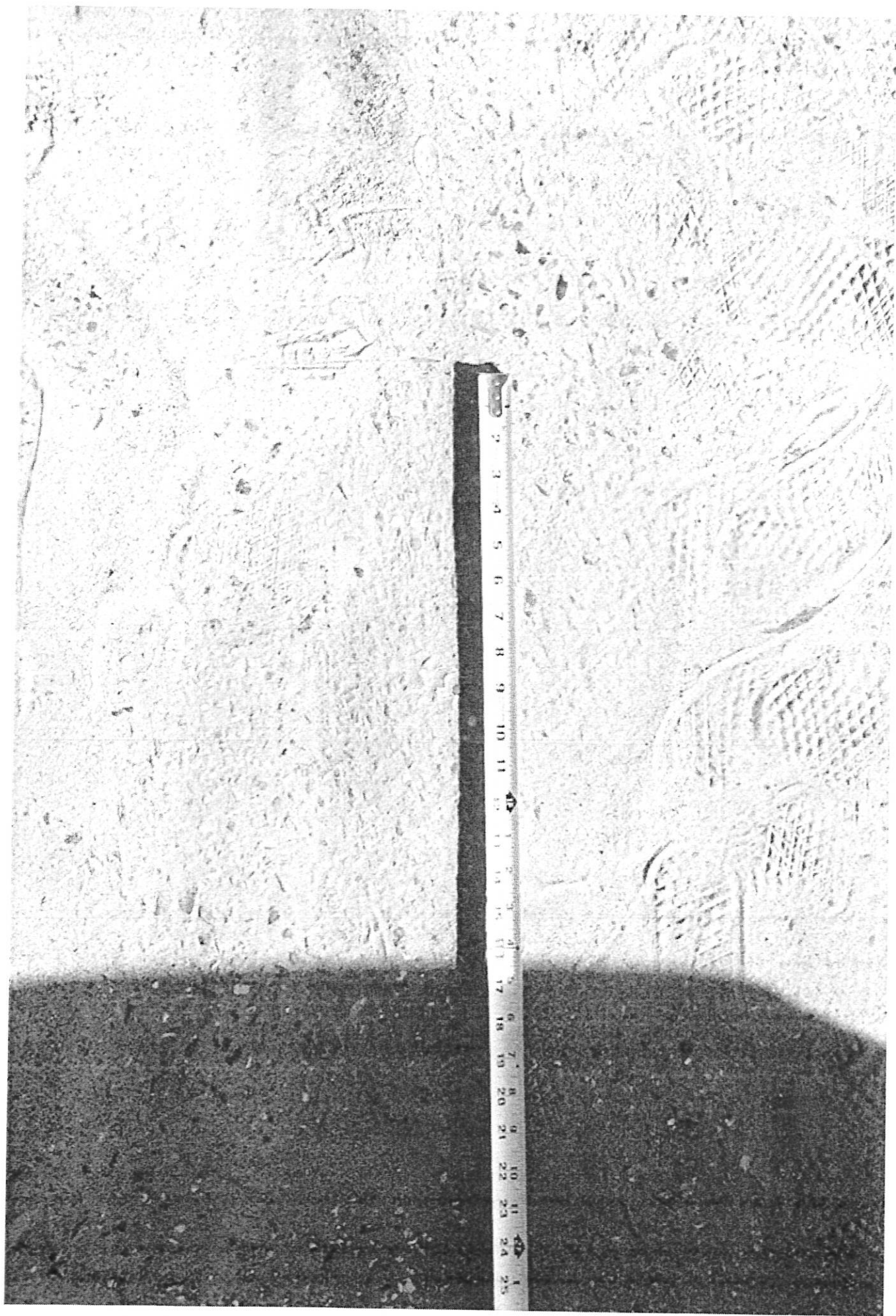
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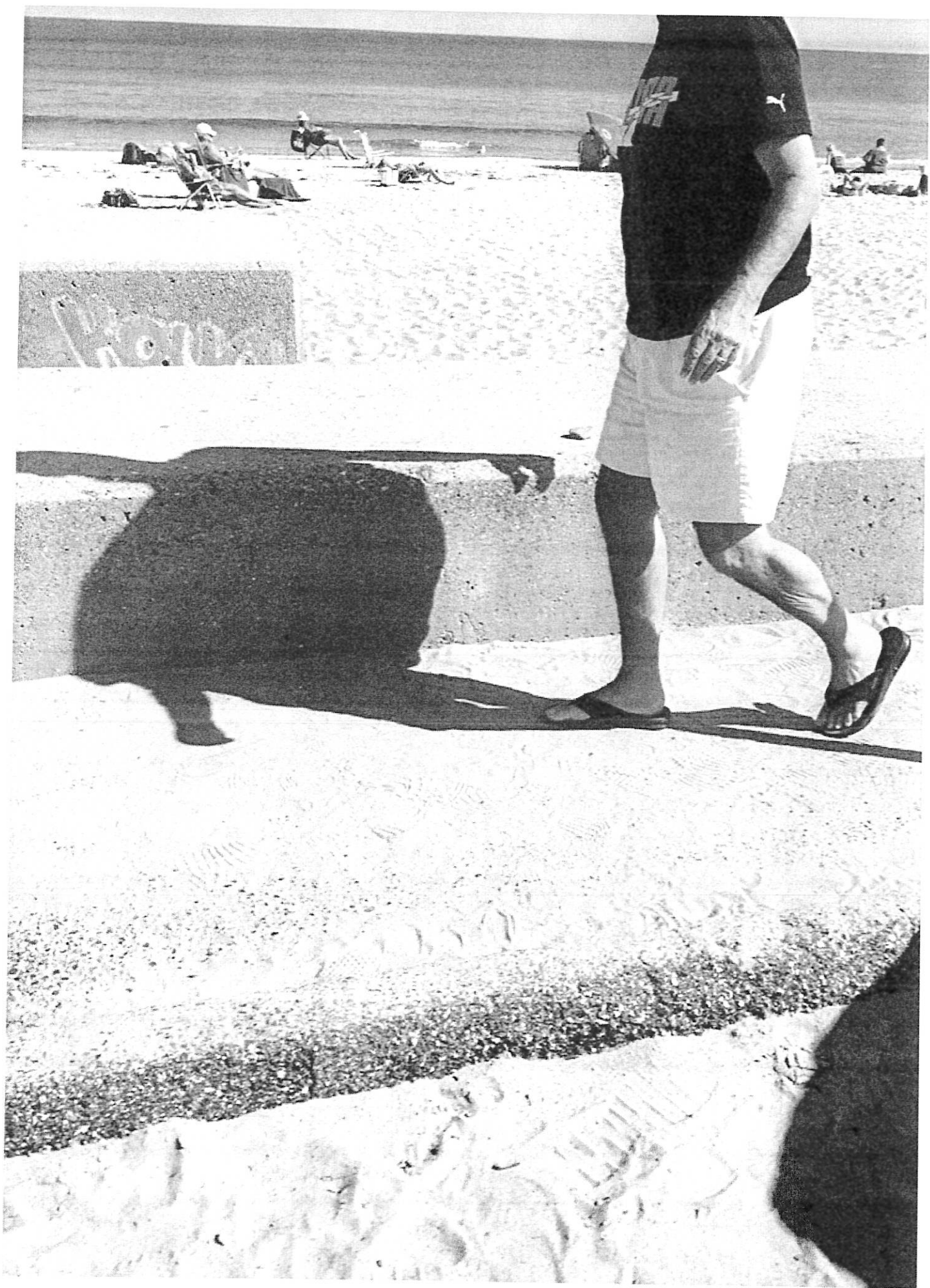
3. wall heights are not at a minimum- should be reduced
4. roof height – The roof height is as high as the top of the pole that holds the Jenness Beach sign. For quick reference and review how much space is lost in parking and the height of the pole, please see attached. The height of the building is noted to the public as 17'2 ft., but that is not to the peak of the roof it's the overlayed hip. Its 18'3, zero reduction in height as residents requested.

Current bathhouse roof height is 10.5 feet exact.

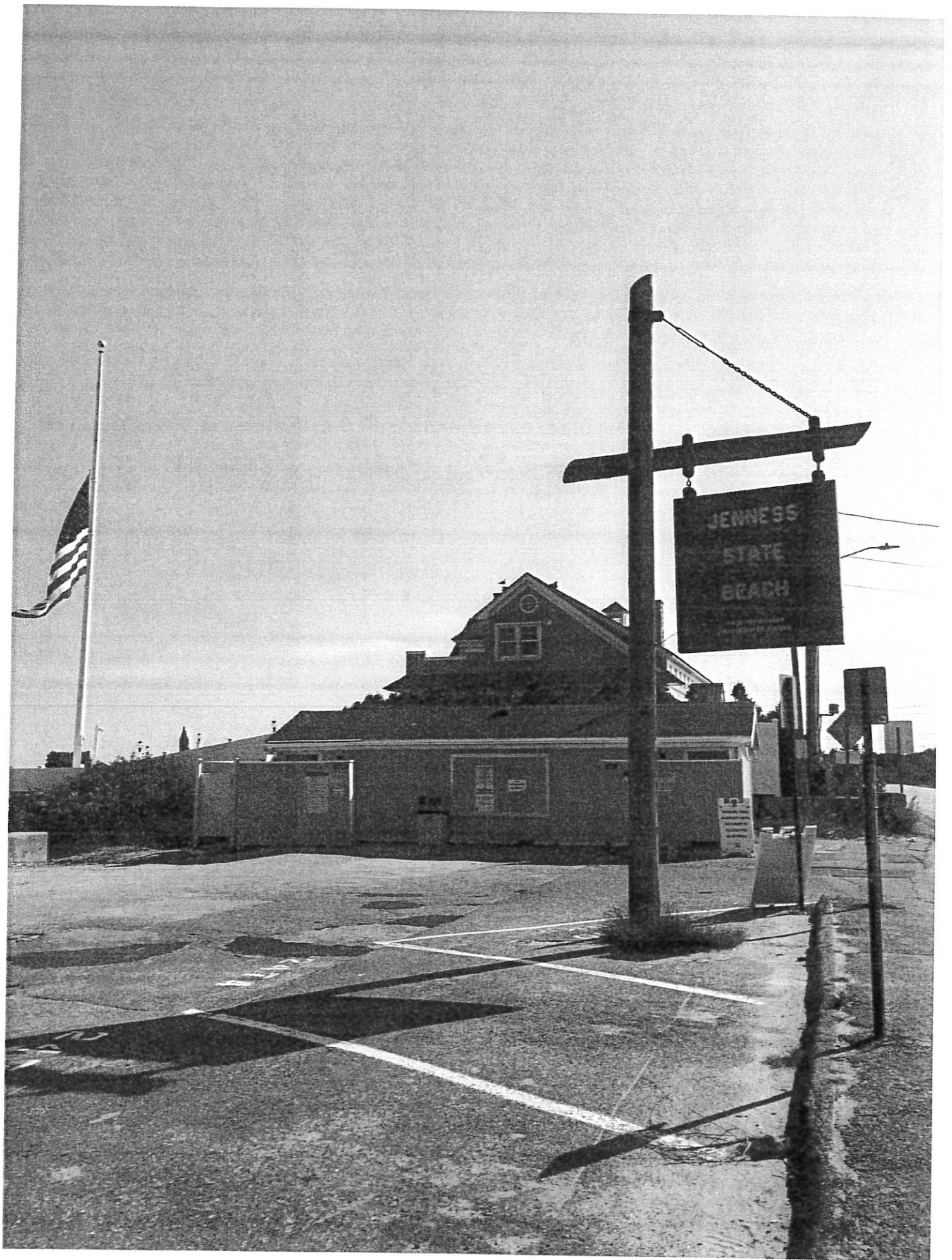
Why use a hip and not a gable roof?

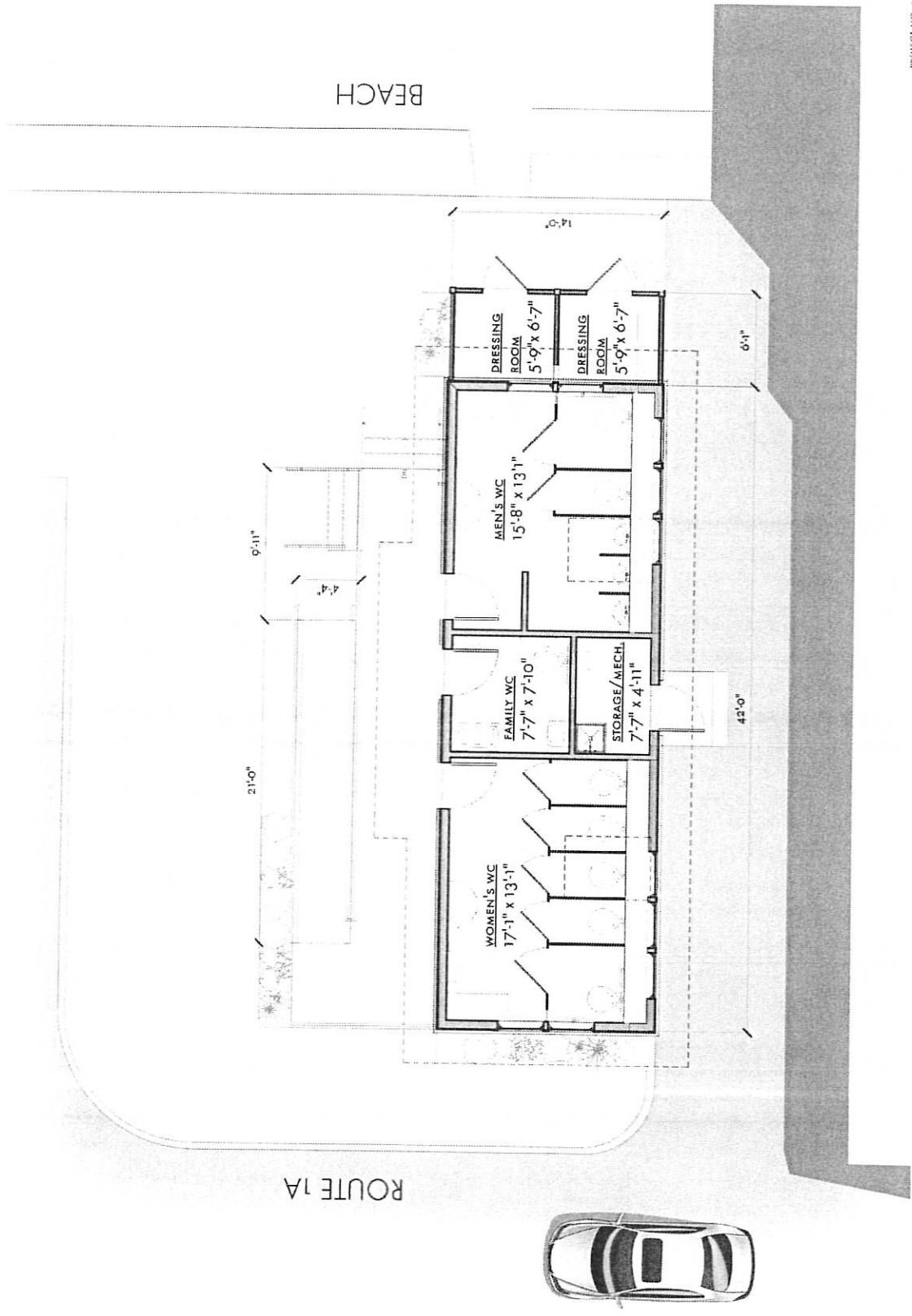
We need to use the width of the parking lot and not the length. This is why we have also attached drawings from well-respected local architect Lisa Destefano. It's the most creative way to look at using the space. Along with plumbing access in the back as the toilets would line the back wall. This design provides the same toilet fixtures and family bathroom in half the square footage. It also saves 14 feet in length, which is precious space. This could add an additional two parking spots and keep more scenic views for all coming to see the ocean. There is no space for excess.











JENNESS BEACH BATHHOUSE

2280 OCEAN BOULEVARD, RYE, NEW HAMPSHIRE

PLAN

1/4" = 1'-0"

13 JULY 2017

PROJECT NO. 201700

D/A
DISTINUED ARCHITECTS

5/20/17

ROCKINGHAM



PLANNING COMMISSION

156 Water Street, Exeter, NH 03833
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August 22, 2017

Kimberly M. Reed, CFM
Town of Rye
10 Central Road
Rye NH 03870

Dear Kim:

I have had the opportunity to review the Town of Ryes Land Use Regulations as requested. You asked me to prepare a cost estimate for the RPC to re-write the document in total. I don't think I am ready to quote you a price for such work until I get some additional feedback about revisions the planning board has either discussed or is interested in pursuing. Are there particular issues that the Planning Board has discovered that they would like to change in the regulations as a result of recent projects? I would need to be made aware of these in order to prepare a full cost estimate. Following are general recommendations for updates to the current regulations.

The regulations have great detail and much to recommend. There are also some glaring omissions. Structurally the regulation is cumbersome because the town has decided to combine both subdivision and site plan review in one document. This tends to happen in an effort to reduce duplicative aspects that are common to both activities but the net result is an applicant has to filter through a lot of material that doesn't apply. I would recommend that revisions to the document clearly identify which regulations apply to specifically to subdivision and site plan review applications. This would require a complete reformat of the document.

From a content perspective, there are a number of areas that could use some work. The preliminary review section breaks down review as consultation, which has very lenient submission standards and preliminary application which has a pretty lengthy list of submission requirements. I have no experience with how this has worked for the Planning Board historically, but it seems that with consultations there is no abutter notification and therefore discussion is very limited. Under preliminary application abutter notice is required and submittal requirements are much increased. I have two questions. Why can't minor subdivisions and lot line adjustments and minor site reviews

take advantage of the preliminary review process? Often small projects have very big issues that preliminary review could sort out.

Secondly, why are the submission requirements for the preliminary review so lengthy (roughly five pages of requirements)? They seem to mirror the requirements for a full application with some relief given in certain areas. The preliminary review is a non-binding process with the point being that details about a project can be discussed before details are committed to detailed plans. Requiring so much information in order to talk about a project in its planning stages seems to be counterproductive. Has this been a successful process to date?

The Standards Section, 600 seems like it has not been amended in a while. The soils information reflects reliance upon High Intensity Soils Surveys (HISS) which provides limited information about the soils found on site. Site Specific Soils Mapping should be considered as an evolution in soils information at the individual lot development level and is standard used for the NHDES Alteration of Terrain permit.

Erosion and sediment control and stormwater management sections could benefit by some updating to incorporate advances in both areas. The documents referenced are outdated and newer manuals dealing with these subjects are available.

Regarding the section of Special Flood Hazard Areas (see section 612) if less stringent than any floodplain standards that exist in the town's floodplain development and building ordinance, section 612 should be removed or reference the zoning ordinance.

Section 900 General Waiver Authority should be updated to reflect changes to waiver procedure and criteria in RSA 674:36 and RSA 674:44.

Perhaps I should attend an upcoming meeting to discuss the ideas included in this letter with the Board. By doing so a proper project estimate can be developed. Please don't hesitate to contact me if you have any questions. I look forward to some additional discussion about this project.

Regards,

Glenn Greenwood
Assistant Director

September 5, 2017

RYE PLANNING BOARD
PROPOSED ZONING ORDINANCE AMENDMENT 2018-02

Re: Accessory Dwelling Units

- I. Amend the Section 506.3 Performance Standards for Accessory Dwelling Units as follows: (Note: Deleted language ~~struck through~~. New language ***emboldened and italicized***).
- G. An approval shall be obtained from NHDES relative to the adequacy of the on site waste disposal system. ***As required by RSA 674:72, V, prior to constructing an accessory dwelling unit, an application for approval for a sewage disposal system shall be submitted in accordance with RSA 485-A as applicable. The approved sewage disposal system shall be installed if the existing system has not received construction approval and approval to operate under current DES rules or predecessor rules, or the system fails or otherwise needs to be repaired or replaced.***
- O. ***[new] An accessory dwelling unit shall not be permitted in single family dwellings attached to each other, such as town houses.***
- P. ***[new] An accessory dwelling units shall not be permitted with manufactured housing.***
- Q. ~~Q.~~ All other zoning requirements shall be met.
- II. Add a new Section 506.5 as follows and re-index present Sections 506.5 and 506.6 accordingly. (Note: New language ***emboldened and italicized***).
- 506.5 Condominium Conveyance. Notwithstanding the provision of the Condominium Act, condominium conveyance of an accessory dwelling unit separate from that of the principal dwelling unit is prohibited.***

Explanation

During 2017 the Legislature passed two bills affecting accessory dwelling units. HB 238 strengthens the septic system requirements for an accessory dwelling unit. HB 265 allows municipalities to prohibit accessory dwelling units in attached single family dwellings and with manufactured housing (i.e. mobile homes). HB 265 also allows municipalities to prohibit the condominium conveyance of an accessory dwelling unit separately from the principal dwelling unit.

The amendment incorporates these legislative changes into Rye's requirements for accessory dwelling units.