TOWN OF RYE – PLANNING BOARD MEETING

Tuesday, July 12, 2022 – 6:00 p.m.
Rye Public Library

Members Present: **Chair Patricia Losik, JM Lord, Steve Carter, Jim Finn, Kevin Brandon, Rob Wright, Selectmen's Rep Bill Epperson, Alternates Bill MacLeod and Kathryn Garcia**

Others Present on behalf of the Town: **Planning/Zoning Administrator Kim Reed and Attorney Michael Donovan (via phone)**

1. Call to Order

Chair Losik called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

Motion by JM Lord to take the Land Development Regulations Amendments out of posted agenda order. Seconded by Steve Carter. All in favor.

- **Land Development Regulation Amendments for consideration for a special public hearing to adopt.**

Member Carter, chair of the Rules & Regulations Committee, noted that the Committee, along with Attorney Donovan, has put these together. The Committee is proposing that the Planning Board vote to move the proposed amendments to a public hearing, so the public can have input. He pointed out that first two amendments address corrections or additions that were left out or need to be clarified in the new Land Development Regulations that were done last year. The first proposed amendment addresses corrections of typos and missed references. The second proposed amendment addresses rewording to help make the regulations clearer. There are another 23/24 amendments that are more substantial to the Land Development Regulations. The intent is to mostly clarify things in the regulations and close certain loopholes that were not closed previously. Right now, the Planning Board is just agreeing to move this to a public hearing at some point in the future for consideration of adoption.

Chair Losik asked Attorney Donovan to give his input and view about this engagement that was started many months ago.

Attorney Michael Donovan explained that it was originally intended to be a finetuning of the Land Development Regulations that were adopted in 2020, since the Board has now had 2.5 years to work with those regulations. There were three meetings of the Rules and Regulations Committee to review the proposed amendments. The Rules and Regulations Committee is recommending all of these amendments. The first one contains eighteen changes that are simply

editorial in nature. The second one basically straightens out Article III, which was confusing and at times had incomplete references to informational submittals that were required. The intent was to achieve the goal that all submittals are clearly set forth in one place; Article III. The rest of the proposed amendments are specifically oriented, which the Board can discuss one at a time as the package is reviewed.

Chair Losik stated that some of the work that had gone into the LDR, which were last adopted in 2020 from the Master Plan work of 2017 through 2019, were some forward steps including all aspects of the regulations for minor site developments and minor subdivisions.

Attorney Donovan commented there are a couple of amendments that are specific to doing that. For instance, there are a couple of amendments that add a requirement for stormwater management plans for minor subdivisions and minor land developments. The intent was to make them uniform requirements for all types of applications.

Member Carter reviewed the proposed LDR Amendments:

- **2022-01: Clarifications and editorial changes.**

- **2022-02: Adjustments to Article III to clarify information about submittal requirements.**

Attorney Donovan noted that some specifics, which are not already included in the LDR, were added about what the required lighting plan for site developments should include. These are taken from the Dark Sky Society recommendations for lighting plans.

- **2022-03: Strengthens the Board's ability to enforce compliance with its approvals.**

- **2022-04: Adds in the wording; *"The waiver will properly carryout the spirit and intent of these regulations."***

- **2022-05: Addresses notification to abutting condominiums and mobile home parks.**

- **2022-06: Closes a loophole which might allow multi-family develops to escape a site plan review.**

- **2022-07: Brings the purpose of design review into compliance with the statutory provisions.**

- **2022-08: Took out a piece that was not likely legal.**

Attorney Donovan stated that design review in the regulations is an option, not a requirement; although, it could be a requirement. If someone chooses to participate in design review, the Board cannot legally make them come in a second time for a design review if it's been discouraging or denied.

- **2022-09: An application which has been disapproved may not be resubmitted unless it defers in nature and degree from the disapproved application. Doesn't allow people to keep resubmitting plans if there is no material change.**

- **2022-10: Clarifies the 100' separation applies to driveways only on new streets.**

- **2022-11: Removes something that is not legal.**

Attorney Donovan explained that the regulation tries to declare null and void, any subdivision that was approved before the Wetlands Conservation District was enacted if it doesn't comply with the Wetlands Conservation District, which would not be legal. He further explained that the wetland regulations still apply to that subdivision, but the subdivision cannot be declared null and void simply because there are now wetlands on the lot that are regulated.

- **2022-12: Protects the woodlands; *"Existing woodlands shall not be disturbed beyond a line 3' from the back of the edge of the ditch paralleling the street."***

- **2022-13: Increases the protection for groundwater; Guidelines for lawns/turf areas for lawn care and fertilizer to protect water quality. (Added Appendix F)**

Chair Losik pointed out that this came out of Danna Truslow Resource Consulting's work, who is the Town's expert for all work of a hydrogeological nature. Ms. Truslow was well positioned to advise on fertilizers, especially in the overlay district of the Aquifer and Wellhead Protection.

- **2022-14: Clarifies that the requirements in 6.9.C only apply to streets in high-risk flood areas.**

- **2022-15: Addresses the acceptance of town streets. It protects against the subdivider who tries to force the Town to accept ownership. It clarifies how streets are accepted, which is by the Select Board.**

- **2022-16: Adequate inspection of erosion control measures is provided by the planning board engineer, as part of the construction inspection responsibilities (Section 7.23), so this is not needed.**

Attorney Donovan noted that this is not being followed now and is too burdensome. Steve Harding, from Sebago Technics, believes the provisions of Section 7.23 give him adequate ability to enforce erosion sedimentation control regulations.

- **2022-17: Strengthens the requirements for a site impact analysis.**

Chair Losik noted this also connects with the Natural Resource Inventory (NRI), which has very specific recommendations for the Town and is an excellent resource. 2022-17 includes some of the language that is specifically targeted to land use.

Attorney Donovan stated that of the whole amendment package, this is probably the most important one. It substantially "beefs up" the requirements for a site impact analysis. He hopes

the Board uses it well and hold the applicants' feet to the fire for the requirements of this kind of study.

- **2022-18: Strengthens the review process for major land developments, which now include multi-family workforce housing developments.**

- **2022-19: Adds authority, recently granted by the Legislature, to encourage the use of renewable energy systems. Allows the Board to be involved in the location and orientation of buildings to enhance the possibility of renewable energy use.**

- **2022-20: Makes the requirements for offsite extensions of water and sewer consistent.**

- **2022-21: Asphalt can now be installed if the temperature is about 40 degrees. A date is no longer referenced.**

- **2022-22: This allows the Planning Board to better balance the sometimes-competing objectives of protecting the natural environment and protecting the groundwater resources.**

Attorney Donovan pointed out this is the second most important amendment in the package. The board members involved with 711 Long John Road may remember the difficult discussions with the project engineer for the applicant, which led to the creation of raingardens for each house. The destruction of a fairly substantial amount of woodlands was involved to create those. That happened because a rigid interpretation of the LDR required that the replenishment of groundwater resources after development be the same as what the replenishment of groundwater resources was before. This allows the Board to balance that objective with other environmental protection aspects; such as, buffer and tree retention. It puts a balancing of goals into the regulations with respect to how groundwater recharge is handled.

- **2022-23: Indicates that if there are conflicts in the regulations the stricter regulation standard or procedure governs.**

- **2022-24: Requires stormwater management plans for minor subdivisions.**

Attorney Donovan explained that 2022-24 adds a requirement for minor subdivisions to submit a stormwater management plan, which is not required at this time. It was felt that the Board has seen many minor subdivisions in recent years where there should have been a stormwater management plan. He pointed out that there is also language included regarding a waiver. The Board recognizes that maybe not every minor subdivision requires a stormwater management plan. It's possible the Board might waive the requirement where they feel a stormwater management plan might not be necessary. However, this addresses an area that has been a concern that the Board has not been able to regulate for minor subdivisions. He noted that 2022-25 addresses minor site developments.

- **2022-25: Requires stormwater management plans for minor site developments with the language for the possibility of a waiver by the Board.**

- **2022-26: Adds requirements about irrigation systems.**

Attorney Donovan explained this has become an increasing concern by the Board in reviewing land developments. There is also some discussion at the Water District about a possible zoning amendment with respect to irrigation systems. The Select Board has had some discussions about regulating irrigation systems. This puts a regulation in the Land Development Regulations concerning irrigation systems. The first one involves site developments. If a site development includes an irrigation system, it shall include an irrigation system plan. The plan and the system itself must comply with the requirements of Appendix G. NH DES has put together an extensive regulation for irrigation systems for town meetings to adopt. Appendix G is an excerpt from the DES Water Efficient Landscaping Regulation for Municipalities of what would be the plan requirements for the irrigation plan and the system requirements. The last part would be a periodic certification requirement.

Attorney Donovan continued that if a site development application did not include an irrigation system plan, this regulation requires there be a note on the landscaping plan that the applicant does not intend to install an irrigation system. If one is installed in the future, it shall require the review of the Technical Review Committee. He pointed out that normally a subdivision plan is a plan that just creates lots. It doesn't get into the details of irrigation systems on the lots being created. So, it says that the major and minor subdivisions plans include a note stating that any irrigation system installed on approved lots shall be reviewed by the Technical Review Committee and comply with the appendix. With respect to future development in Rye, it puts some real teeth into the regulation of irrigation systems.

Chair Losik noted that this language came from DES and is current as of May 2020. There is an audit requirement that is in place for the systems to be audited no less than once every three years, with the reports going to the Planning Board, the Building Department and the Rye Water District or other water purveyor.

Motion by Patricia Losik to move Land Development Regulation Amendments 2022-01 through 2022-26 for a public hearing at the Town Hall, September 20th at 6:00 p.m. Seconded by Bill Epperson. All in favor.

2. **Submittal of Applications for Determination of Completeness.** Not a public hearing, if Complete public hearing will immediately follow: - Action Required

   a. **Greg Sandell for property owned and located at 6 Tower Ave, Tax Map 8.1, Lot 65** for a Conditional Use Permit for an Accessory Dwelling Unit per Rye Zoning Ordinance 190-5.6. **Property is in the General Residence, Coastal Overlay District. Case #12-2022.**

The Board reviewed the package submitted by the applicant.

Vice-Chair Lord stated that he is conflicted on this package. When he looks at the site plan, the house doesn't meet the side setbacks nor the front setback. It's a very small lot. In looking at the regulations, it says that an existing nonconforming structure can't be expanded either vertically or horizontally. He asked if vertically means the ridge line of everything or the top most ridge line. Does it mean any portion of the building? If it's any portion of the building, this wouldn't be allowed without a variance.

Chair Losik asked if he is talking about the dormer.

Vice-Chair Lord confirmed.

Alternate MacLeod commented that he agrees that any vertical increase would not comply. They will probably have to go to the Board of Adjustment.

Member Finn agreed.

Chair Losik reviewed the nonconforming language found in Article VI, §190-6.3.A. She pointed out that Sheet A-2 of the plans depicts a dormer. The existing homes is shown on Sheet A-1.

Planning Administrator Reed asked if is possible to condition it on getting a variance, so the application can be heard tonight.

Chair Losik noted that the Board would have them request a variance, as the package is not complete. To take the Board's and the applicant's time before it's known if it would be approved, would probably be a disservice to both.

The Board agreed.

Vice-Chair Lord pointed out that they are also going to need a waiver on the parking, as it's only 17' on the layout. Rye's minimum width is 9' per space, so it would have to be 18'. There's also a shed on the property that sits off the property, which should probably be addressed.

Chair Losik noted that where it gets tight on the checklist is the dimensional requirements, which requires compliance in the use districts. There are two use districts. In the general residential zone, the building coverage is 30% impervious. In the coastal overlay district, it's 15% and 30%. On the site plan, all the calculations are made. Nonetheless, there's nonconforming that exists and the setbacks are called out on the plans. She pointed out that Vice-Chair Lord just raised an important point on the parking. The parking regulations now say that a parking space width is 9'. On this plan, there is 9' on the east side, but not on the west side.

Vice-Chair Lord reiterated there is a shed at the rear of the property that is off the property. It's certainly within the setback.

Member Wright pointed out that part of it is over the boundary.

Vice-Chair Lord stated that the ZBA should comment on the shed.

Chair Losik noted that the applicant needs to address with the ZBA §190-6.3 in regards that part of the building or structure encroaches into a yard area established by this chapter. The bulk of the building within the yard area is expanding vertically within such yard area. With regard to the parking, §190-5.0.A for off street parking and loading, the size of parking spaces; All parking spaces required herein shall have a minimum size of 9' in width by 18' in length. There is a parking plan that shows 18.5' on the east and 17' on the west. She noted that the length of the parking area is fine. The third area of noncompliance would be the shed of which a portion is off the property line.

Planning Administrator Reed asked if there are any other dimensional requirements.

Chair Losik explained the nonconforming part deals with the vertical extension. She asked the Board if anyone had any issues with the nonconforming setbacks.

The Board did not have other issues.

Alternate MacLeod noted that it's the applicant's responsibility to apply for variances that are necessary. The Planning Board may not see everything that might be needed.

Planning Administrator Reed explained that in the State of New Hampshire, it's the applicant's choice to go before the zoning board or planning board first. In this case, she advised the applicant to have it conditionally approved upon the variances. She further explained that this hasn't gone before the building inspector yet.

Member Brandon asked if the Zoning Board could find other things in the application that may need a variance.

Planning Administrator Reed replied that the Zoning Board only looks at the denial by this Board or the denial by the building inspector.

Chair Losik stated that there were four administrative staff recommendations: 1) The application is complete; 2) After review of the checklist and requirements of ADU, the applicant meets requirements; 3) Department head review went to the building department, awaiting response; and 4) Administrative staff recommended approval. Chair Losik stated that Mr. Sandell's responses to the ADU application, which caught her attention, was in regards to number 11 that dimensional requirements were met. The other component of zoning consistency is that all other zoning requirements shall be met. These are two things that came to her attention. Speaking to Alternate MacLeod, she asked if his sense is that the Board shouldn't make specific denials because the Board may not catch all of the variances required.

Alternate MacLeod explained that if they are going to the Board of Adjustment because the Planning Board is telling them what they may need a variance from. The Planning Board

shouldn't be the interpreter of the zoning by-laws. However, after hearing Administrator Reed say that the applicant took guidance from her, he doesn't think the Board should be so steadfast in saying that they won't hear the application subject to the variance. The applicant will have to go back to the Board of Adjustment and then back to the Planning Board, for a bureaucratic catch-22 position that they really shouldn't be put in.

Administrator Reed pointed out that if the applicant has to go to the building inspector for a denial, it will be another three months out because the building inspector is two months behind at a minimum.

Member Wright asked what the difference would be between a conditional approval and a rejection and going through the process of the Zoning Board first. He tends to agree with Alternate MacLeod. He thinks there was a good faith effort made to comply. Maybe the Planning Board should be less rigorous in kicking it back to the ZBA.

Selectman Epperson commented that he is very familiar with this property, which is in a congested area. The home is on a postage stamp lot. He believes that any relief that may be necessary, needs to be followed. He doesn't have a problem with conditionally approving it based on the variance relief from the ZBA, but it needs to be done correctly.

Member Brandon commented that they should narrow it to the things that are strictly under the Planning Board, which would be the parking and vertical expansion.

Vice-Chair Lord stated that any time a plan comes before the Planning Board, it ought to be as conforming as possible. This parcel is going to be redeveloped into something different than it is today. He thinks the shed comes into play. This is a site plan for an ADU.

Chair Losik pointed out that under the definition of nonconforming building and structures (190-6.3A); expansion of nonconforming parts of the building or structure is not allowed. She noted that nothing is happening with the shed.

Vice-Chair Lord stated that he sees two nonconforming structures on the plan. Both are highlighted in yellow. The ADU is in the larger of the two, but there are two buildings that are nonconforming right now.

Member Carter stated that he tends to agree with Vice-Chair Lord. If a change is made, everything is kind of put up for discussion.

Chair Losik reiterated that the language gets to expansion. The shed is not a structure that's being expanded.

Member Finn stated that it's very much a nonconforming small lot. The Board probably needs to get the air cleared from the Zoning Board.

Chair Losik asked if he would be fine with moving forward and hearing the application subject to the condition of the two variances.

Member Finn replied that he would be willing to do that.

Chair Losik stated that she thinks the direction is that the Board wants to move forward. She would like to know if someone will make a motion that the package is complete, so it can be moved to a public hearing tonight.

Motion by Rob Wright to declare the application by Greg Sandell complete and move it to a public hearing. Seconded by Kevin Brandon. Vote: 6-1 Opposed: JM Lord

b. **Driveway application by Robert Dietrich, CVHR, LLC for property owned and located at 0 Richard Road, Tax Map 5.2, Lot 154-1** for waivers from the driveway regulations Section 202-6.2.B(7)(d) where no driveway shall be constructed within 100' of an intersection road. **Property is in the General Residence, Coastal Overlay District. Case #13-2022.**

The Board reviewed the submittals in the package.

Motion by JM Lord to declare the application by Robert Dietrich, CVHR, LLC complete and move it to a public hearing. Seconded by Bill Epperson.
Vote: 7-0 All in favor.

c. **Request for a one-year extension to the Major Site Development Plan by Bluestone Properties of Rye, LLC for property located at 33 Sagamore Road, Tax map 24, Lot 6** approved by the Planning Board on April 13, 2021. Property is in the Business District. **Case #20-2020.**

Chair Losik noted that the Planning Board approved this project on April 13, 2021. The conditions expire after 18 months, which would be October 12, 2022. The one-year extension would bring it to October 12, 2023.

Motion by JM Lord to declare the application of Bluestone Property of Rye, LLC as complete and move it to a public hearing. Seconded by Jim Finn.
Vote: 7-0 All in favor.

d. **Driveway application by Martha & Gerald Eckman for property owned and located at 931 Ocean Blvd, Tax Map 20.2, Lot 142** for waivers from the driveway regulations Section 5-E(F) requesting 22'6" at the right of way where 22' was approved on 5-10-22 and requesting 22'6" at the road where 20' is allowed. **Property is in the General Residence District, Coastal Area. Case #14-2022.**

The Board reviewed the package submittals.

Speaking to Administrator Reed, Chair Losik asked if there has been any further information from the DPW Director.

Administrator Reed noted that he said "no further comment".

Motion by JM Lord to declare the application by Martha and Gerald Eckman complete and move it to a public hearing. Seconded by Rob Wright.
Vote: 7-0 All in favor.

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

   a. **Major Subdivision for a Condominium Conversion for property owned by Arthur & Sharon Pierce Rev. Trust, Arthur & Sharon Pierce, Trustees for property located at 251-279 Pioneer Road, Tax Map 24, Lot 117** to convert 8 dwelling units in 4 duplex structures into 8 condominium units. **Property is in the Single Residence District. Case #13-2021.**

Chair Losik noted that the Board has a recent letter from Attorney Donovan dated July 8, 2022. The Planning Board accepted jurisdiction on this application in 2021. The Zoning Board approved conditionally their portion of the condo conversion. She asked Attorney Donovan to start with the review of his letter.

Attorney Michael Donovan stated that in May, which was the last time the applicant put information before the Board, he had expressed some concerns about the replacement septic systems. A condo conversion requires under DES Regulations that there be a replacement system on file that meets current DES Standards. The applicant had not yet received that approval. They had filed replacement system plans with DES but those had not been approved yet. The applicant had submitted a site plan to the Board which showed replacement systems. Attorney Donovan noted that his concerns were twofold. One is that the new leachfields were in the same location as the limited common yard areas associated with several of the eight units. The second concern was that the condominium documents did not clearly establish responsibilities for maintaining the current septic systems or who would bear the expense of the replacement systems. Each of the buildings has its own old septic system. The septic system reports in the files indicate there may be potential issues down the road. He pointed out that nothing has failed yet; however, it is likely there will be failure in the not-too-distant future.

Attorney Donovan continued that in speaking with Attorney Mulligan, he thinks the concerns can be addressed. He and Attorney Mulligan have discussed ideas on how to address the concerns. The Board also needs to discuss with the engineer or applicant what is happening with the seasonal high-water table. It appears it may not meet the LDR for seasonal high-water table. However, the Board cannot really enforce them to do anything about this at this point because that system is not being put in as part of the site development at this time. He commented it just warrants some discussion with the engineer.

Attorney Donovan pointed out there are numerous waiver requests that should be taken up at this meeting and moved along. Under N.H. Law, although municipalities have the right to regulate condominium conversions through their land use ordinance, they can't actually deny a request for a condo conversion of lawful existing dwelling units, unless there's an actual effect on the use of the land. There are several N.H. Supreme Court cases that have allowed condominium conversions to go forward where land use boards have disapproved them because they had no affect on the land. With a condominium conversion such as this, there really is no change in anything and there's no effect on the land.

Chair Losik suggested taking the application in three parts: 1) The conflict with the septic systems; 2) draft condo declaration; and 3) seasonal high-water. She asked Attorney Donovan if he is talking about the fact that when the sea-level rises this is a component of those standards which require a 4' separation.

Attorney Donovan replied that he wasn't talking about that section, but that is a good one to discuss as well. He was talking about §202-6.7, which addresses septic systems in general.

Chair Losik pointed out that they are talking about §202-6.7.C(3) which requires the 2' of separation.

Attorney Donovan noted that the test pits indicate these are above 2'. What may not have been complied with is that the test pits cannot be taken between June 15th and September 15th. These were taken between those dates. It's also not clear whether Rye's representative witnessed the test pits. Also, there were supposed to be two test pits per leachfield and there is only one. Those items need to be discussed, as they may or may not have been complied with. (6.7.C(3)). He noted that C(3) also says that the bottom of the leachfield shall be 4' above the seasonal high-water table. Referring to 6.9.C(3), he pointed out that it says that there shall be a minimum above the 4' high-water table, as well.

Attorney Chris Mulligan, representing the applicants, spoke to the Board. He explained that the middle of last month, Alex Ross got the last approval needed from DES related to the septic systems. The concern that Attorney Donovan has is that the site of the proposed replacement system would conflict with certain provisions of the limited common areas (LCA). Referring to the draft condominium site plan, he noted that they have eliminated limited common area in the form of specific backyards associated with each unit. Earlier versions of these plans had parking areas, decks, sheds and dedicated backyards all set forth in the limited common area. The backyards were taken out, so that eliminates the conflict between the proposed replacement systems and the LCA. Should a system fail and it needs to be replaced, it's not going to infringe on anyone's limited common area.

Attorney Mulligan continued that with respect to the issues regarding responsibility for maintenance, repairs and replacement, some proposed amendments have been made to the declaration which would essentially require the affected unit owners to bear the expenses associated with both the existing septic units and the replacement unit, should a unit fail, in

proportion to the number of bedrooms. Both the condominium site plan and condominium declaration can be amended to adequately address what happens both for the repairs and maintenance of the existing septics and the replacement of a septic system, should one fail.

Chair Losik asked Attorney Donovan if he has reviewed the proposed amended language.

Attorney Donovan confirmed that he has approved the changes in the language. He pointed out that he has not seen the condominium plans; however, he has no problem with what Attorney Mulligan is describing. The main purpose for having this resolved is because if a system fails, the building department is going to have to enforce the construction of the replacement system. This has been problematic in the past. He felt it should be absolutely clear who has responsibility for constructing these replacement systems. The language now does that and it appears his concerns have been addressed.

Attorney Donovan stated that the DES approvals for the systems lapse in four years. If the systems haven't failed in four years, these replacement systems will not have been built and the approvals will have expired. The question becomes what happens if a system fails after that time? Right now, the condominium declarations don't address that. He suspects that it would basically be ordering the units that have the failed system vacated. It would be left to the unit owners and condominium association to get it sorted out. They would then have to file another replacement plan with DES. He pointed out that right now, they are not dealing with that. If the Board thinks that this scenario should be dealt with, then he and Attorney Mulligan are going to have to talk it through to determine how it would be handled.

Selectman Epperson commented that the systems are assumed to be thirty or forty years old. He assumes there will be a significant improvement done to the property with the conversion to condominiums. He asked why the owner wouldn't just replace the septic systems now.

Attorney Mulligan replied there aren't significant improvements being done. The only thing that is being done is changing the legal ownership from one owner to multiple owners.

Referring to the DES approvals, Chair Losik asked if they run with the property.

Attorney Mulligan confirmed.

Chair Losik pointed out that they expire in five years, April 2027. She asked what the incentive is and where the capital would come from to get these done under the terms of the existing permit. She asked if they would be done by 2027.

Attorney Mulligan explained only if the one of the existing systems fails. It would be the unit owners who would bear the expense of replacing it.

Member Finn asked what would happen if one of the owners doesn't have the money to do it.

Member Wright commented that a lien would be placed on the property and it would continue to pollute. This proposes the threat of an unenforceable inaction.

Attorney Mulligan stated there are enforcement tools beyond just placing liens on the property.

Attorney Donovan explained that if a system is still in place beyond the expiration of the replacement system and nothing has been built and a system fails, it becomes an enforcement issue of the Town and the building department. A notice would go out to the owners of the units that they used a failed system. In that case, each building has its own septic system. The order would go out to the owners of those two units. It would order them to basically cease and desist from using the failed system. He continued that there are a couple of different options. One is to vacate the two units. The other is to put in a holding tank, and pump it every few days as necessary, as a temporary measure and have a new replacement system approved. The enforcement notice might also go to the condo association to do something with it. This would be in absence of the condo declaration not getting into that scenario that is beyond five years. They would not be able to continue to occupy those dwelling units with failed systems without solving the problem. It gets entangled from the enforcement perspective of the building department. Ultimately, it does get done and the owners have to comply. He's not sure it makes a whole lot of sense to try to address a scenario five years from now in the condo declarations. However, if the Board wants to, he and Attorney Mulligan can work on it.

Chair Losik clarified that if it goes beyond the expiration, they have to go through the process all over again with the application to DES.

Attorney Donovan confirmed.

Member Wright stated that if a perspective buyer looks at this and asks what their liability is, how would it be addressed in the condo documents?

Attorney Mulligan pointed out that he has provided some proposed language. A prospective buyer would have to assess the potential liabilities. To some extent, the cost of replacement would be shouldered by more than one property owner.

Member Wright commented there are town-wide systems that are not efficient and it's burdening the community with water quality issues.

Member Finn pointed out that if someone is living in this place who doesn't have the money, they are not going to be kicked out. There will end up being a dysfunctional septic system in perpetuity.

Attorney Mulligan stated that he doesn't know that the concern that has been articulated is any different for a condominium than it is for any other residential development. The request is to change an existing residential development into a condominium ownership.

Selectman Epperson pointed out there are five existing systems that are not in good shape. State law says that if nothing is physically changed, the application must be approved; although, the approval may include reasonable conditions. He doesn't think it's an unreasonable condition to make them put those septic systems in now.

Speaking to Attorney Donovan, Chair Losik asked what the Board has within its toolbox to require these systems to be changed posthaste.

Attorney Donovan replied the Board cannot.

Member Brandon asked what the incentive is of the individual condo owners to want to have a failed septic system. There are probably multiples in terms of existing freestanding homes that have similar dating of their septic systems that probably should be replaced at some point. There is no basis to compel people until it fails. It's either passing or failing.

Member Wright commented that from what he understands from the reading of the statute, the Board doesn't have any standing to do anything about it anyway if the conditions aren't changing.

Attorney Mulligan suggested they include some language in the condo docs that would require annual inspections.

Chair Losik commented this may make sense. The concern she has is looking at the language in the DES approvals and the existing conditions plan. There are three systems right now that are within 100' of the highest observable tideline. From an environmental standpoint, this isn't optimal.

Alternate MacLeod stated that his recommendation to his clients is to have their systems pumped out every two years. The pumping of the tank is really just to keep the solids level down, so the detention time in the septic tank is not reduced. He pointed out the systems aren't in failure right now. His reading of the law is that if the systems aren't in failure and a plan is presented for condominium conversion, all that's required is that there's an approved septic design. The law doesn't say that it has to be approved for ten or twenty years. It could be expiring six months from now. They have an approved design. He thinks it's great to put something in the condominium documents to have a better than normal maintenance for the septic systems to help prevent other causes of failure.

Speaking to Attorney Donovan, Selectman Epperson asked what would be a reasonable condition. He asked if it is reasonable to think about the potential pollution of the water, as it stands today in Parson's Creek.

Attorney Donovan stated that the bottom line is these are existing dwelling units. Unless it can be demonstrated that the conversion to condominium use will have an effect on the land, the Board can't deny it or require that something be addressed. Right now, he doesn't think there is

any evidence that the existing loading on those septic systems will have an affect on the land if these are simply converted to condominium form of ownership. The loading on the existing septic systems will be the same after the condo conversion as it is now.

Selectman Epperson asked what would happen if one of the owners decides to use his unit as an Airbnb. Instead of four people being in the condo, it's twenty-five over a weekend.

Attorney Mulligan stated that he could put some language in the condominium documents that would prohibit that type of use. It would still be an enforcement issue, but it would be at another level that the condominium association would be able to enforce.

Attorney Donovan pointed out that right now, there is no way of enforcing against that in a single-family dwelling context. The State Legislature is grappling with how much communities can even get into regulating Airbnb type rentals.

There was question as to where the existing leachfields are located. There was also a question about the natural wooded area of 5,000sf and whether it would remain. Attorney Mulligan agreed to get clarification regarding the woodland buffer and the location of the current leachfields from the applicant's engineer. He also agreed to work on some language regarding two year inspection and pumping, and short-term rental provisions.

With respect to the seasonal high-water, Attorney Mulligan noted that they have a proposed plan that has been approved at the town level and state level. He thinks they are going to request waivers. What was submitted and approved is not proposed to be built. It's just to show there's an adequate solution, should one of the septics fail.

Attorney Donovan commented that at some point, the engineer should meet with the Board. Before acting on the waivers, the Board has to understand what's happening with respect to seasonal water table and the construction of these systems. Even if waivers are requested, Alex Ross should be there to answer the technical questions.

Attorney Mulligan agreed. He pointed out that those waivers have not specifically been requested yet; however, that is probably what they will do.

Vice-Chair Lord asked if the Board waives the requirement, does it mean they don't ever have to adhere to the requirement?

Attorney Donovan explained the requirement is only associated with the LDR. The Board would not see this again in the future. The Planning Board would not get involved. The building department basically approved the plan that was sent to the State. However, it appears it might not comply with the building code.

Chair Losik asked if it falls to the Board to waive the time of the inspection, meaning they weren't conducted between June and September 15th. She also asked if they need to waive the two test pits per system.

Attorney Donovan suggested they waive the two test pits per system because it's clear there's only one test pit per system. He noted that they don't know if the building inspector is allowed to waive the June 15th to September 15th requirement. It's also not known if the test pits were witnessed by the building inspector's representative.

Chair Losik noted that when she first looked at this project, she looked at the sea-level rise projections. If it's determined that the sea-level rise projections are applicable, is the Board also being asked to waive the related 6.9.C(3) 4' separation requirement?

Attorney Donovan explained this is something they would have to request a waiver for. One of the pending waiver requests was for the requirement to submit a plan showing the three sea-level rise scenarios on the plan and they have not done that. His recommendation is that the Board do not waive that. There needs to be a plan that shows the three sea-level rise scenarios.

Attorney Donovan commented that he wants to think through his comment in his memo that perhaps a waiver isn't required, as these are replacement systems and not part of the application. He guesses they are part of the application, so he wants to think this through. It may be that those regulations either need a waiver or need to be enforced.

Referring to the waiver from 202-3.1, Engineering Studies, Chair Losik noted that the regulation contains eighteen different engineering standards for submitted plans. Per Attorney Donovan's memo, the submitted plans comply with some of these. The applicant has not indicated which of the eighteen required waivers. It is not the responsibility of the Board, its staff or consultants to figure this out. She asked the thoughts of the Board.

Vice-Chair Lord asked why they are acting on this if they don't even know what is being requested.

Chair Losik noted that Attorney Donovan's comment is that the applicant is requesting blanket waivers. Her feeling is that she would not be comfortable with blanket waivers. The LDRs are carefully crafted. To go into the bucket of blanket waivers, the Board hasn't behaved that way thus far.

Attorney Donovan stated that in looking at 202-3.1, there are seventeen different engineering standards. These plans meet most of them. He assumed that Alex Ross would've been at the meeting to talk about which need to be waived.

Attorney Mulligan stated that he has a list of the ones that should be waived. He pointed out that the application is coming back next month. If the Board would prefer for it to be done comprehensively, so it can be looked at before the meeting, he can do that and it would probably

be a better use of everyone's time. He explained that the reason he threw in the blanket waiver is because nothing is being changed, just the ownership. The property is not being developed, as it's a fully developed site. However, he understands why the Board would want the specific ones articulated.

Chair Losik noted they want to understand why they are being asked for and the merit of the ask.

Attorney Mulligan pointed out that for many the justifications are going to be the same.

Attorney Donovan summarized that the applicant will be submitting waivers. Alex Ross will be at the next meeting to talk about the seasonal high-water table. There will be language proposed for the condo docs addressing septic system pumping and inspection every two years, and Airbnb and short-term rentals. More information will also be provided on the location of the existing leachfields, along with clarification on the woodland buffers.

Attorney Donovan stated that he wants to find out what DES's position is on the statute and regulations with respect to replacement systems and what happens after the four years and the permit expires. The requirement is that there can't be a condo conversion under state regulations unless there is a replacement system plan in place. What is DES's view as to what happens and what is the responsibility once that plan expires? Are they automatically required to submit a new one? He would like to see if he and Attorney Mulligan can have a conversation with the appropriate person at DES about this.

Chair Losik opened to the public for comments. Hearing none, the public hearing was closed at 8:23 p.m.

Vice-Chair Lord asked what conditions can be put on this application. He hates giving exceptions to waivers if they don't have to.

Attorney Donovan noted the ZBA has put on several conditions and those are reasonable. The applicant has accepted those. This is a hard question to answer until he knows what kind of condition the Board is considering. He reiterated the Board cannot force them to build the replacement systems at this time. If there are other conditions the Board is proposing, the Board can get those to the Planning Administrator, so he can give review them and give an opinion.

Motion by JM Lord to continue the application of Arthur and Sharon Pierce Revocable Trust for a condominium conversion to the August 9, 2022 meeting.
Seconded by Steve Carter. Vote: 7-0 All in favor.

Motion by Jim Finn to take item d next, followed by item c, and 'New Business', with items e and b if time permits. Seconded by JM Lord. Vote: 7-0 All in favor.

- **Request for a one-year extension to the Major Site Development Plan by Bluestone Properties of Rye, LLC for property located at 33 Sagamore Road, Tax Map 24, Lot**

6 approved by the Planning Board on April 13, 2021. **Property is in the Business District. Case #20-2020.**

Corey Belden, Altus Engineering, spoke to the Board. He noted the project was approved unanimously on April 13, 2021. During the pandemic, there have been a lot of issues with getting the project started. The approval is now up against the deadline, so they are asking for a one-year extension from October 13, 2022 until October 12, 2023.

Member Finn stated there have been significant delays in the industry. More recently, with the inflation and the increases in costs, several projects are not only running into supply chain problems but problems with project costs. He is just reinforcing what the applicant has requested.

Selectman Epperson stated this project was well vetted and a lot of engineering was done. He has no issue of extending this to October 12, 2023.

Chair Losik opened to the public for comments. Hearing none, she closed the public hearing at 8:31 p.m.

Motion by Bill Epperson to approve the request for a one-year extension for the Major Site Development Plan by Bluestone Properties of Rye, LLC for property located at 33 Sagamore Road, Tax Map 24, Lot 6 approved by the Planning Board on April 13, 2021 to October 12, 2023. Seconded by JM Lord. Vote: 7-0 All in favor.

- **Driveway application by Robert Dietrich, CVHR, LLC, for property owned and located at 0 Richard Road, Tax Map 5.2, Lot 154-1** for waivers from the driveway regulations Section 202-6.2.B(7)(d) where no driveway shall be constructed within 100' of an intersection road. **Property is in the General Residence, Coastal Overlay District. Case #13-2022.**

Corey Belden, Altus Engineering, presented to the Board. He noted this is for a corner lot on the corner of Richard Road and Perkins Road. The lot is 11,128sf. There are two lot frontages with 30' setbacks and 20' on both side and rear. The buildable area on the lot is about 2,400sf. The proposed residence will be situated in that area. The proposal is for a driveway to be located 61.5' from the roadway sideline to the front edge of the driveway. DPW Director Jason Rucker didn't have any objections to the location of the driveway, as he felt it was a safe location due to the low volume roadway. There are no concerns of vehicle stacking. It's a reasonable request and meets the intent of the ordinance.

Chair Losik asked what the topo is going to look like.

Mr. Belden explained it's a very flat property and there is no major grading proposed. The first-floor elevation is 19.5.

Member Wright asked where the sewer line would come in to the property.

Mr. Belden explained it will come right down Richard Road and will connect right in front of the house.

Member Carter asked why the driveway was moved, as there was a compliant driveway already.

Mr. Belden explained there is a gravel driveway on the lot now that is right in the buildable area of the property.

Chair Losik opened to the public for comments. Hearing none, she closed the public hearing at 8:38 p.m.

Motion by JM Lord to grant a waiver to Article VI, Section 202-6.2.B(7)(d) of the Rye Land Development Regulations, which deals with driveways, where they can't be constructed within 100' of an intersecting road because the proposed driveway access is located on a low volume, low speed street where there is no potential conflicts with passing traffic; the driveway location is proposed 60' from the edge of the traveled way to Perkins Road leaving more than adequate room and the shape of the lot is included in this decision, as well. Seconded by Jim Finn. Vote: 7-0 All in favor.

- **Driveway application by Martha & Gerald Eckman for property owned and located at 931 Ocean Blvd, Tax Map 20.2, Lot 142** for waivers from the driveway regulations Section 5-E(F) requesting 22'6" at the right of way where 22' was approved on 5-10-22 and requesting 22'6" at the road where 20' is allowed. **Property is in the General Residence District, Coastal Area. Case #14-2022.**

Gerald Eckman, applicant, spoke to the Board. He explained that the Board granted 22' at the property where it meets the right-of-way. After getting that approval, he had a conversation with the contractor. To the right at the edge of the pavers, there's a granite curbing that has been found to be a tripping point, which does not need to be there to support the asphalt. It was installed to hold the pavers in. The intent is to remove the granite curbing on the right side and bring the pavement to the grassed area, which is another 6". Also, when the application was before the Board previously, it was felt that 20' at the road would be sufficient. In looking at it more closely, he'd like to have the width of the driveway at the road be the same as it is at the right-of-way versus the property line and the same as it attaches to the garage; otherwise, 22.6' would have to be brought down to 20' and it would be more difficult to get out of the driveway.

Member Finn commented that he doesn't like the precedent of going past the 20'; however, he understands the issue.

Vice-Chair Lord stated that he doesn't see a reason why it has to be 22.6'.

Member Carter agreed.

Member Wright asked if the apron will go away.

Mr. Eckman confirmed. He noted it will all be pavement from the garage to the road.

Member Wright asked if it would be possible to design the exit to the road such that it's necked in with a curb and still accomplish what was asked. He agrees with the comment about precedent. There's already an apron that curves out and that will be removed.

Mr. Eckman explained that grass will be brought up to the edge of the pavement.

There were no further comments from the Board.

Motion by Kevin Brandon to approve the waiver requested to 202-5E(F) of the Land Development Regulations for Martha and Gerald Eckman, to allow for pavement to be 22'6" at Fairhill Road where 20' is allowed, as the contractor highly recommends having the driveway width be 22'6" from the garage to roadway; and also, to approve a waiver to 202-5E(F) from the Land Development Regulations to allow for pavement of driveway to exist at 22'6" at the property line at right-of-way where 22' was granted on 5-10-22 by the Planning Board. Based on current driveway conditions paving contractor recommended 22'6". Seconded by Bill Epperson.
Vote: Rob Wright – Yes; Bill Epperson – Yes; Kevin Brandon – Yes; Pat Losik – Yes; JM Lord – No (1st waiver)/Yes (2nd waiver); Steven Carter – No (1st waiver/2nd waiver); Jim Finn – Yes
Motion by grant requested waivers passed.

New Business:

- **Request for exemption from site review** by Sylvia Cheever, Hungry Lobster, 919 Washington Road, Tax Map 11, Lot 10.

Chair Losik stated that the first thing for the Board to consider is whether this is a change or expansion of use. In Planning Administrator Reed's memo, she noted that it's not a change in use, in her opinion. It's a change in the hours of operation. Chair Losik commented that she looked at it as a shift in hours by increasing one hour. The times have changed from 6 a.m. to 2 p.m., 8 hours, to 9 a.m. to 6 p.m., 9 hours. The increase of an hour reflects a modest modification of business hours.

Selectman Epperson clarified they are not changing the use.

Chair Losik noted that the Board needs to discuss whether this is a change of use or an expansion of use. The LDR says that these regulations govern both the subdivision of land, including lot line adjustment and the development on the change or expansion of use or land for non-residential use or multi-family residential use. She asked the Board if the proposed time shift falls outside the scope or if the LDR for exempt status are even applicable.

Member Wright commented it's a stretch to say they apply. It's a change in the hours of operation, not a change in the use.

Member Brandon pointed out that sequentially it's been a restaurant forever. He also pointed out that the overlapping hours of the adjacent transfer station and the change in the hours of the restaurant will barely make a difference in traffic.

Chair Losik stated that she pulled DOT information for Washington Road. There's also the traffic study from Webster, which looked at traffic on Washington Road to the east and was completed in fall of 2018. The traffic flow rate reached the peak levels during the typical morning and afternoon commuter period. The peak traffic hours were 7:45 to 8:45 in the morning, 2:00 to 3:00 p.m. and 3:30 to 4:30 p.m. There were about 3600 cars a day during the week with not a big change on the weekend.

Vice-Chair Lord stated that to him, it's not a change of use. It seems like the traffic volumes are pretty much the same in the morning peak and afternoon peak. It seems like it's just coming down to hours.

Member Finn noted that the business has struggled in recent years, due to Covid. As a community, it's important to be supportive of businesses needing to change their hours.

Member Wright pointed out that the nature of the clientele is changing and that is the reason for the change in the hours.

Chair Losik noted it's in the Business District. Its land use code is a business, but it could fall to any type of business; such as, a retail establishment. It's a permitted use.

Member Brandon stated there is no change of use. It's a local business that has now moved into a space that had struggled with the previous young entrepreneur during Covid. There are many well publicized reasons for the move to this space. He hopes it would be the Board's view to be supportive of local businesses.

Selectman Epperson agreed.

Member Finn asked if there should be a motion on the requested exemption.

Chair Losik stated that she doesn't see it as an exemption, as it is not a change in use.

Member Wright asked what the mechanism is by which the Board says the building inspector is wrong. He noted that he read the building department's letter of denial and there was no reason for the denial.

Chair Losik clarified that the Board is saying that under the Land Development Regulations it is not a change or expansion of use. The problem with saying this is exempt is that it would still go back to the building department.

Member Brandon asked if the Board can acknowledge affirmatively that there is no need for a site review and there is no change of use. The Board can articulate the reasons why this business should be allowed to operate as intended.

Member Wright asked if they could extend that to say that the denial by the building department was in error.

Chair Losik stated that the Board should say it is not under the purview of the Planning Board. Regulations govern subdivision and development change or expansion of use of land for non-residential. It's clearly not that. She thinks they can agree that the shifting of hours from 6 a.m. to 2 p.m., 8 hours, to 9:00 a.m. to 6 p.m., 9 hours, an increase of one hour, represents a modest change.

Alternate MacLeod suggested saying that the change in hours does not reflect a change in use. The Board should affirmatively state that there is nothing in the LDR that affects the hours of operation for this establishment.

Selectman Epperson stated that he does not see this as a change in use. He doesn't see why that one hour makes a bit of difference. He recalls that Chief Walsh was a little concerned about the traffic in the afternoon. If was to make a decision tonight, he would allow the owner to operate under whatever hours she wants to work.

Member Wright asked what the mechanism would be to allow this.

Planning Administrator Reed commented that she thinks it was correct to say the denial by the building inspector was an error.

Selectman Epperson asked why the Planning Board cannot just override his decision.

Chair Losik noted there is nothing in the LDR that say the Board can override. She likes Alternate MacLeod's statement. The Board can recommend, like they did last year with the Carriage House, that it go back to the Select Board.

Member Brandon stated the building inspector pushed it to the Planning Board. To him, the building inspector has now vacated his decision-making authority and sent it to the Planning Board. The Planning Board should make a declarative statement, as Alternate MacLeod has suggested. He noted that this person's business is potentially going to go under through inaction and that is shameful.

Chair Losik summarized the Board's proposed statement:

Shifting the hours from 6 a.m. to 2 p.m., 8 hours, to 9:00 a.m. to 6 p.m., 9 hours, an increase of one hour, represents an immaterial modification, which does not reflect a change in use. Nothing in the Land Development Regulations affects the ability of the Planning Board to change hours of operation.

The Board discussed the denial letter sent by the building inspector.

Alternate MacLeod pointed out that the building inspector's letter says it would require planning board review and approval. He suggested the statement also say:

Therefore, to the extent available to the Planning Board, we grant approval to the change of hours.

Jim Finn moved the following statement:
Shifting the hours from 6 a.m. to 2 p.m. to 9:00 a.m. to 6 p.m., an increase of one hour, reflects an immaterial modification, which does not reflect a change or expansion of use. Nothing in the Land Development Regulations affects the ability to modify hours of operation. Therefore, to the extent available to the Planning Board, we grant approval. Seconded by Bill Epperson. Vote: 7-0 All in favor.

- **Greg Sandell for property owned and located at 6 Tower Ave, Tax Map 8.1, Lot 65** for a Conditional Use Permit for an Accessory Dwelling Unit per Rye Zoning Ordinance 190-5.6. **Property is in the General Residence District, Coastal Overlay District. Case #12-2022.**

Greg Sandell, applicant, explained the existing footprint is not changing, other than the dormer. He's sure the parking can be looked at in terms of measurements. It can probably be redesigned so three cars can be on one side of the driveway and one on the side that's closest to the house. He confirmed that the parking can be reconfigured to meet the 9' by 18'.

The general contractor noted that he has been working with Mr. Sandell and looking at a lot of different options for the house. The project will meet the height of the existing structure and will be kept within the existing roofline. Essentially, there will only be a change in height for the dormer on that portion of the building.

Chair Losik commented that it sounds like the parking may not be an issue.

Mr. Sandell replied that he believes there is adequate space. It just didn't know the requirement and where they could begin, in terms of where it ties to the driveway.

Chair Losik pointed out that it's written that adequate parking space exists.

Mr. Sandell reiterated that he believes there's adequate space.

Alternate MacLeod stated that if he measures 36' from the street right-of-way line in it scales that there's 18' to the outside edge of the cobble edge (retaining wall). He suggested that the engineer should modify the site plan to show that exists.

Chair Losik noted that if this is the case, the parking may not be an issue. She opened to the public for comments.

John Murphy, 25 Big Rock Road, asked if the driveway has to be a certain footage off the property line.

Alternate MacLeod noted it's a pre-existing non-conforming driveway.

Mr. Murphy pointed out that he has a fence in that location. The fence is 1' off his property. On Mr. Sandell's side, it's less than a foot.

Chair Losik stated that the Board appreciates the concern; however, there is not an issue with the location or reuse of the driveway in the manner for the ADU.

Mr. Murphy expressed his concerns in the change of use for the house to a two-family home on a 5,000sf lot.

Chair Losik noted it's within the regulations. She continued that land use law in N.H. is based in fairness. It's not to put one property owner over another property.

Hearing no further comments, Chair Losik closed the public hearing at 9:20 p.m.

Motion by JM Lord to approve the application by Greg Sandell for property owned and located at 6 Tower Ave, Tax Map 8.1, Lot 65 for a Conditional Use Permit for an Accessory Dwelling Unit per Rye Zoning Ordinance 190-5.6, in the General Residence, Coastal Overlay District, subject to receipt from the Zoning Board of Adjustment that they can expand a non-conforming structure and confirmation of the measurements of the driveway. Seconded by Rob Wright. Vote: 7-0 All in favor.

4. Committee Updates

○ Long Range Planning

Member Wright, chair of the Rules & Regs Committee, submitted a timeline to the Board showing tasks that need to happen. There are two things that the need to be covered by the whole Board. One is the budget estimate that has to be submitted to CIP. The second is the timing on when the Master Planning Steering Committee is formed. He noted that the sense was that the Steering Committee was going to be formed after the request for proposal had been drafted. At such point, the Committee was going to engage with the consultant and that would be the time to include other members of the community. There was some discussion at the last

meeting that if that committee was formed in advance of drafting the RFP, it could potentially be unappetizing to those who might be apt to join the committee that they may be rubberstamping something that had already occurred. The more fact-based part is the budget. Julie LaBranche provided an overview of communities that were similar to Rye and the costs that they incurred in writing either chapters or whole master plans. In looking at the average, it was in the mid $50,000 range. However, there is a huge range in size of the towns, the complexity of the plans and the content itself. The recommendation from Julie LaBranche was to not ask for less than $125,000 to go forward. He tends to agree after reviewing the material. He would like to avoid going with a number where they might have to backtrack for more money. He pointed out there is grant money available. He would encourage the Board to seek ways to get matching funds. It appears that in the middle of the last decade, there was a lot of movement from many communities to begin rewriting master plans. It became a market and people who served that market jumped in. It's probably going to be incumbent upon the Board to do some close examination of the firms that are interviewed.

Member Wright noted there are two pieces to the project. One is the master plan and the other is a buildout analysis. It's not known how comprehensive that will be. That could be another $40,000 or it might all be able to be done for the $125,000.

Planning Administrator Reed noted that in the Board's packets there's an email from Forrest Bell of FB Environmental who said he could do a buildout analysis between $10,000 and $15,000. He also said in the email that there was another town that wanted a very detailed analysis and their cost was $22,000. He thought that would be excessive for the Town of Rye.

Member Wright noted that he would be inclined to separate the line items in the CIP. He suggested asking for $125,000 for the master plan update and $20,000 for the buildout analysis. They could then look at where they could economize and potentially find some grant money.

Planning Administrator Reed explained that this process is going to take eighteen months. If an RFP is done, it still has to go before the people of Rye to approve the number. If the Board puts it down as two separate items, the master plan could be broken into two years; 2023 and 2024. The buildout analysis could be complete in 2023. By the end of 2023, they would have the results of the buildout analysis, which would drive the remainder of the master plan.

After discussion, the Board agreed the range for the CIP should be $95,000 to $145,000. There was also some discussion about forming a Master Plan Steering Committee and the timing for forming that committee. It was agreed that the chair of the Long Range Planning Committee should reach out to people who may be interested in participating on the steering committee for the Board's appointment at the next monthly meeting. The members also agreed to give their thoughts on people who may be well suited for the committee.

5. Other Business

a. Minutes: June 14, 2022

Tabled to the next meeting.

b. Escrows
Tabled to the next meeting.

6. Communications

- **The Planning Board will need to either move the date of the meetings or find a new venue starting the Fall, 2022.**
  Tabled to the next meeting.

Adjournment

Motion by Bill Epperson to adjourn at 10:05 p.m. Seconded by Kevin Brandon. All in favor.

Respectfully Submitted,
Dyana F. Ledger