

**TOWN OF RYE – PLANNING BOARD
SITE WALK**

**Tuesday, June 25, 2019
5:00 p.m. – 1215 Ocean Blvd**

Selectmen Present: Chair Pat Losik, Steve Carter, Tim Durkin, Katie Sherman, Jim Finn and Selectmen's Rep Bill Epperson

Others Present: Attorney Michael Donovan, Planning/Zoning Administrator Kim Reed, Police Chief Kevin Walsh, Conservation Commission Members Sally King, Suzanne McFarland, Mike Garvan, and Danna Truslow

Also Present: Hydrologist Emily DiFranco, Applicant John Samonas, Engineer Eric Weinrieb, Altus Engineering (for the applicant), Attorney Scott Hogan (representing Rye residents), Engineer Tobin Farwell (for Rye residents), and several residents and members of the public.

I. Site Walk for the following applications:

- a. Major Site Development Plan** by Samonas Realty Trust for property owned and located at 1215 Ocean Blvd, Tax Map 17.3, Lot 6, to raze all of the existing structures, eliminate the parking and access encroachment's, remove the existing septic systems, and other building infrastructure and replace them with 4 duplex style town homes with new septic, permeable driveways and tidal buffers. Property is in the General Residence, Business District and Coastal Overlay Districts and SFHA-Zone AO. Case #01-2019.
- b. Special Use Permit** by Samonas Realty Trust for property owned and located at 1215 Ocean Blvd, Tax Map 17.3, Lot 6, to allow land housing tourist accommodations to become obsolete and to be redeveloped in residential use densities per Section 304.6 of the Rye Land Development Regulations. Property is in the General Residence, Business District and Coastal Overlay Districts and SFHA-Zone AO. Case #01-2019.

Planning Board Alternate Katy Sherman was seated for Jeffrey Quinn.

Chair Losik called the site walk to order at 5:00 p.m. She explained that the purpose of the site walk, as set forth in the April minutes, is to look at the location of the proposed corners of the buildings, which is off a plan set that was before the Planning Board dated March 26th. The Board is also going to look at the driveway, secondary access, septic location and the location of the State right-of-way. The Board is not present to discuss substantive issues. The substantive issues will be discussed at the Planning Board meeting on July 9th in the Rye Library meeting room.

Sally King, Conservation Commission Chair, noted that the Conservation Commission is holding a tandem meeting at this site walk to take a look at the application once again, as it has been awhile since it has been before the commission. She called the commission's meeting to order as there were enough members present for a quorum.

Chair Losik turned the site walk over to John Samonas, applicant.

Mr. Samonas noted that the parcel is 2.2 acres on the corner of Ocean Boulevard extending down to Petey's (border of white fence), which is the southerly corner of the property. The rear property line is the exact contour of the creek. The other property line to the north is Wallis Road.

Eric Weinrieb, Altus Engineering, pointed out the locations of the boundaries of the property.

Bill Morin, 1250 Ocean Blvd, asked if there were any restrictions on the property owned by the State (right-of-way).

Mr. Weinrieb replied that Mr. Samonas and his predecessors have occupied it and will continue to do so in perpetuity, unless DOT has an expansion in the future.

The group walked into the property towards the rear.

Mr. Samonas pointed out eight cottages. He explained that most of them are seasonal with the exception of one year-round cottage. There are two more cottages in the back, for a total of ten, with another newer cottage in the back that fronts on Wallis Road. The twelfth building is the commercial building that houses four residences, a restaurant and real estate office. The restaurant used to be full service with thirty or forty seats. It was changed to a take-out restaurant only, with the residences being added to the building. He continued there are also five leachfields existing on the property, with three being proposed to replace those five existing fields. He also noted that the property curves in a crescent shape.

The group followed Mr. Samonas to the southern boundary corner.

Chair Losik commented that there has been discussion about having a second emergency access.

Mr. Weinrieb replied that they have not made any design modifications for an emergency access at this time. He feels they would need zoning relief to put a driveway on Ocean Boulevard because the driveway has to be on the lesser travelled road.

Attorney Donovan disagreed. He noted that it is grandfathered.

Chair Losik stated this will be discussed on July 9th; however, there was discussion about the access being necessary for emergency access.

Pat Burns, 46 Wallis Road, asked if there is any intention of putting access onto Wallis Road, in addition to Route 1A.

Mr. Weinrieb replied that the primary driveway will be off Wallis.

Planning Board Alternate Katy Sherman asked if DOT approval would be needed for access (off Route 1A).

Mr. Weinrieb confirmed.

Ms. Burns asked if it is possible to have three cars per unit.

Mr. Samonas stated that on a recent Saturday, there were forty cars on the parcel, once the units were completely full. Once the new units are built, if each one had three cars, it would still be less than the forty cars that were on the parcel recently. In regards to the safety aspect of having the second access, once the buildings are built, the property will be accessible from Wallis Road and from Ocean Boulevard directly. Ambulances and safety vehicles will be able to pull up across the lawn to take care of any situations. He continued that the town ordinance reads that the primary access has to be on the lesser travelled road. In this case, the lesser travelled road is Wallis Road.

Chair Losik stated that it was discussed at the April meeting, as shown in the minutes, that the Board is also concerned about the surge from the wetlands (in the rear) and the fact that all the cars access out the back. If there is significant flooding, there is a concern as to how everyone is going to get out.

Mr. Samonas commented that he is standing 2ft below the crown of the road. The fill that is needed and has been approved to bring onto the site, will eliminate most flooding.

Attorney Donovan asked if there is any disagreement about the fact that the edge of the pavement is 9ft, as this is what is shown on the plans, and the elevation over there is 7ft.

Mr. Samonas agreed.

Emily DiFranco, Hydrologist, agreed that all of it will be much higher.

Mr. Samonas noted that the group is following the northerly property line.

Grace Sheehan, 2165 Ocean Blvd, asked how much of the acreage is wetlands.

Mr. Samonas noted that information is on the documents. He does not remember the exact number.

Chair Losik reiterated that the issues (second access and wetlands; 304.6) will be discussed on July 9th at the Planning Board meeting.

Mr. Weinrieb pointed out the location of a proposed building. He noted that there are stakes to give everyone an idea of how much further back the wetlands are from the proposed building. He commented the building is well beyond the 50ft primary setback with the building, as well as most of the pavement areas with the exception of the entrance. He noted that the area is going to be restored as a natural buffer with an expansive planting plan that has been approved by DES Shoreland Bureau, AOT (Alteration of Terrain) and the Wetlands Bureau.

Chair Losik noted that the group is standing in the 50 and 100ft setback.

Mr. Samonas led the group along the proposed driveway location. He noted that Mr. Weinrieb is standing on the corner of the driveway. The driveway will not be paved. It will be cobblestone. The driveway tapers from 21ft at Wallis Road to 14ft. The driveway will extend into each of the four buildings off the main driveway. Everything behind the driveway will go away and be restored back to its natural state.

Frank Drake, South Road, (also ZBA alternate), asked about the fill.

Mr. Weinrieb explained the finish grade for the back of the driveway is in the range of 9.1 to 9.3, which is a couple of feet of fill. He commented that the natural grade is 7.2 so it will be 2ft of fill. There will be a 3 to 1 slope back to natural grade.

Police Chief Kevin Walsh noted that he will give a department head review and write up his notes for the Planning Board meeting.

Attorney Scott Hogan, representing residents, asked for clarification on the stakes in the ground.

Mr. Samonas explained the yellow stakes mark 50ft from the edge of wetlands. The orange stakes mark the driveway itself.

Victor Azzi, 1100 Old Ocean Blvd, asked for clarification on the height of the structures.

Mr. Weinrieb explained that is an issue that has already been resolved through zoning relief.

Mr. Azzi asked the existing elevation compared to what is being proposed.

Mr. Samonas stated the overall height is 34ft. He continued that 36ft is allowed by variance received; however, he has voluntarily lowered it to 34ft. The zoning is 28ft from existing grade, unless hardship can be show, which he has done.

Jo Ann Price, 19 Park Ridge, commented that everything that is being stated as factual is in court and has not been determined yet.

Mr. Samonas explained that Attorney Hogan and eight families are suing the Town of Rye for the variances being granted. Nothing has happened with the lawsuit at this time. Right now, the variances stand with the property in perpetuity, until the court says otherwise. He continued that he understood that the height was too high. That is why the soil was lowered from 4 to 2, which lowered the buildings an additional 2ft.

The group continued to the location of the first of five existing septic systems. They continued on the location of the second leachfield.

Mr. Samonas noted that the second leachfield that services two of the cottages has not been used since he purchased the property, as the cottages were immediately shut down.

Mr. Weinrieb explained the existing tank will be pumped out and will be filled with material. The leachfield has been flushed out. After some investigation, DES feels it is best that the existing leachfield remain in place.

Planning Board Member Tim Durkin asked if they see water during king tides.

Mr. Samonas replied that they did not see any water last winter; however, it was seen three times the winter before. He noted the septic tank was under water during a king tide. He led the group back to the driveway location. He pointed out the location of the third existing leachfield.

There was some discussion on the existing structures that are being serviced by the leachfields.

Mr. Samonas pointed out the location of the fourth leachfield. After discussion about the existing leachfields, Mr. Weinrieb pointed out the front property line and noted that it is about 9.5ft to the front of the closest building.

The group reviewed the locations of the proposed buildings, along with the proposed septic system locations.

Planning Administrator Kim Reed asked the date of the current plan set.

Mr. Weinrieb explained the March 26th plan set remains in effect. There is a later plan (ZBA plan) that has no changes to design but has different information shown. He is not sure of the date.

The group finished their review of the locations of the proposed buildings.

Adjournment

Bill Epperson made a motion by adjourn at 6:00 p.m. Seconded by Steve Carter. All in favor.

- **The application will be before the Planning Board on Tuesday, July 9th, 6:00 p.m., Rye Public Library. The Board will be reviewing and discussing the issues of density and a second driveway access.**

****Documents, plans and all relevant files for this application may be viewed at the Building Department, Rye Town Hall.***

Respectfully Submitted,
Dyana F. Ledger