

**RYE PLANNING BOARD
TECHNICAL REVIEW COMMITTEE
Wednesday, February 3, 2021 – 9:00 a.m.
Via Zoom**

Members Present: Chair JM Lord, Patricia Losik, and Jim Finn

Others Present: Planning/Zoning Administrator Kim Reed

For 146 Perkins Road:

Applicant Joseph Wahl, Attorney Tim Phoenix, Builder Don Cook

For 33 Sagamore Road:

Applicant Mike Labrie, Engineer Eric Weinrieb, Builder Ben Auger

For 850 Washington Road:

Applicant Michael Fecteau, Developer Mike Garrepy, Engineer Joe Coronati,

Also: Abutter Ben Wheeler and his engineer Eric Weinrieb

I. Call to Order

Chair Lord called the meeting to order at 9:00 a.m.

II. Compliant Right to Know Statement

Statement by JM Lord:

As Chair of the Technical Review Committee, I find that due the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

*Utilizing Zoom for this electronic meeting. All members of the Commission have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this or by clicking on the following website address: www.zoom.com
Meeting ID: 845 9249 4892 Password: 123456*

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the Commission at town.rye.nh.us on the Conservation Commission page and click on agenda for this meeting.

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that all votes that are taken during this meeting shall be done by roll call vote.

Attendance by Roll Call:

- Jim Finn
- Patricia Losik
- JM Lord

III. Review for completeness the following applications before the Planning Board on February 9, 2021:

- **Driveway Application by Joseph & Jane Wahl for property owned and located at 146 Perkins Road Tax Map 5.2, Lot 186** request a waiver from Section 202 Appendix 5-E:F for a driveway 20' wide at the lot line and 26' wide at the road surface. **Property is in the General Residence District. Case #03-2021.**

Chair Lord opened to the committee members for questions or concerns.

Member Finn stated that it looks like a very short driveway, if he is looking at it correctly. He did not have any major concerns.

Member Losik commented that she did not have any issue with the waiver. She sees the solution as accomplishing safety, the use of pervious material and the fact that there's a stormwater management plan in place. The only minor question she has is whether the asphalt apron should be pervious.

Chair Lord opened to the applicant.

Attorney Tim Phoenix, on behalf of the applicant, noted that he has one correction. The actual width of the driveway is 24' wide, not 20', and it flares to 26'. The driveway was made wider than was originally approved by the Zoning Board, primarily because of its lack of functionality and the way it was designed with multi-turn points. There are many other driveways all over town that have this same issue. Because of the fact that it is so short, it is safer and more functional to be this wide. He thinks they meet the requirements for a waiver and would appreciate TRC's support.

Joseph Wahl, applicant, confirmed it is 24' wide straight from the house with a flare at 26' at the end of the driveway.

Planning Administrator Reed noted that she will make this change on the February 9th Planning Board agenda.

Motion by Jim Finn to declare the application for 146 Perkins Road complete and to move it to the February 9, 2021 Planning Board meeting. Seconded by Patricia Losik.

Roll Call: Jim Finn – Yes; Patricia Losik – Yes; JM Lord - Yes

- **Major Site Development Plan by Bluestone Properties of Rye, LLC for property located at 33 Sagamore Road, Tax Map 24, Lot 6** to construct a new 3,496 sf farmstead building and provide associated parking and driveways. Property serviced by the City of Portsmouth municipal water and sewer. **Property in the Business District. Case #02- 2021.**

Chair Lord opened to the committee members for comments.

Member Finn stated that he has looked at the application. He had some questions, but Steve Harding (Sebago Technics on behalf of the Town) sent out an email that answered a lot of questions. Largely, the project seems reasonable. He is not sure if a traffic study is needed or if there are any questions regarding the entrance. He pointed out there is a 3,496sf building in the barn area, but then there was an adjacent additional 1,000sf building. He is not sure if this was consistent there or not.

Member Losik commented it is a very impressive application. She does not think a lot has been overly done on the zoning issues with the ZBA. She is curious if the use on the sidewalk will intensify. She can see the drainage impact for the 1” event as insignificant. Overall, it’s a creative detention pond design, form and function, supported by pervious pavers, vegetated swale, abundant landscaping and good engineering design. It would seem in looking at the Atlantic Grill that a similar design has been used. She would just like the applicant to confirm, as it has been in place for a while. Overall, it’s a really well-designed contribution to this important town access area.

Chair Lord agreed. He thinks it is one of the most complete applications that the Board has seen in a long time. Speaking to Mr. Weinrieb, he asked if he read Sebago’s letter of February 3rd.

Eric Weinrieb, Altus Engineering, confirmed. He noted that he has not gone through it in depth, but it appears that Steve Harding’s comments, in regards to the drainage study, are reasonable. There were a couple of minor technical things that were missing; such as, the location of the handicap signs on the plan and the note regarding clarification on the retaining wall. He is fine with the comments and is confident the response to them has no reflection on whether the application is complete or not. He thanked Member Losik for her kind words about this being project being well thought out and a complete application. He would say it was a full team effort from both the builder and applicant to make sure this project was fully vetted. He noted that they have been working on the project for a long, long time. It has been well thought out and vetted with the Labries. As far as the crosswalk, he absolutely hopes that the crosswalk is used more and the intensification increases. Right now, the Atlantic Grill employees use this property for parking. Because of the way the property is laid out, he is confident they just cross Sagamore. By designing the site and providing the access, it is going to be a more controlled crossing of pedestrians and the crosswalk will intensify.

Member Finn asked the total square footage of the development.

Mr. Weinrieb explained the footprint of the whole facility is 3,496sf. The barn is 2,040sf; the annex is 20 x 20 and the kitchen area is 24 x 44, totaling the 3,496sf.

Motion by Patricia Losik to declare the application by Bluestone Properties of Rye, LLC complete and to move it to the February 9, 2021 Planning Board meeting.

Seconded by Jim Finn.

Roll Call: Jim Finn – Yes; Patricia Losik – Yes; JM Lord – Yes

Motion passed

- **Major 4 lot subdivision by Jones & Beach, Engineers, Inc. for Michael Fecteau for property located at 850 Washington Road, Tax Map 11, Lot 130 to subdivide the existing lot into four residential lots with a road. Property is in the Single Residence District and Aquifer & Wellhead District. Case #01-2021.**

Chair Lord opened to the committee.

Member Finn commented it is somewhat straightforward. He saw the letter with comments; such as, where the hammerhead is at the end of the cul-de-sac and the driveways off that. He thinks it would be helpful if they made some changes before the Planning Board meeting. At first glance, ground conditions seem reasonable. He does not have any major concerns.

Member Losik commented she would like to be brought up to date on the driveway intentionality. She does not see the test pit datum for test pits 10 and 11 from Jones and Beach. The other test pits seem to be noted. She continued the TRC should be looking and making a recommendation C.U.P or not, and hydro study or not. There are just a couple of triggers there. In requiring a conditional use permit, 190-3.6.E.2(a)(11); *“any use that will render impervious more than 15% or 2,500sf of any lot, whichever is greater”*; she would like the applicant to address that specific question. In regards to the hydro study, this could be triggered under 190-3.6.F(1)(a). Her question is in regards to alteration of terrain more than 50,000sf. Referring to Sheet C-2, she pointed out the total disturbance, as noted in note 13, is 49,000sf (lot development is not included). If lot development is added in, it would be above 50,000sf. She noted they need to have that discussion.

Member Losik continued that she is impressed by the mitigating factors that have been incorporated already; including, denitrifying septic systems. The applicant has already included limits on fertilizer, consistent with the Aquifer and Wellhead Protection District, from October 1st to April 1st. She would like to have a conversation on whether there would be limits on types of fertilizer. She noted that TRC has been working with Truslow Resource Consulting and updating fertilizer guidance for this area. She sees the no regulated substance as not applicable because they are pulled out of special use, as private residences are an exemption. Salt and deicing provisions should be discussed. There is a minor recertification every two years for statements on the fertilizers, etc. She was impressed with the voluntary buffers, which exceed the zoning regulations. There is a lot of “give-up” in favor of the aquifer and wellhead area. She

thinks there may be some other thoughts about the street trees, but they look to be good choices due to their growth characteristics.

Chair Lord agreed they have given up a lot. He thinks they can work with that. One of the things they may think about is reducing the road width from 24' to 20'. He thinks until they get a determination on the hammerhead and how these driveways are going to be done, it is going to be difficult to make much progress. He thinks that is going to be key. He opened to the applicant for comments.

Mike Garrepy, developer, stated that he reached out to the Public Works Director to discuss the driveways and expects he will hear back from him soon. The comments were that he did not want anything off the hammerheads, which may be able to be addressed in the current configuration. Mr. Garrepy commented they may need to look at some other options and he would not be opposed to making this a private road. This was also one of Director McCarthy's comments to eliminate concerns for plowing and maintenance.

Chair Lord asked if any more guidance was provided for where the driveways can and can't go on the hammerhead.

Mr. Garrepy noted that he thinks there is a way to access Lots 1 and 2 without coming off the hammerhead. He will need to speak with Mr. McCarthy to be sure it is compliant with his requirements.

Member Finn asked if the driveway issue will be corrected before the Planning Board meeting.

Mr. Garrepy replied they can easily make that change and recirculate the plans.

Referring to P-1 and the details for the detention pond, Chair Losik asked if those notes can be moved to D-2 in the maintenance requirements.

Mr. Garrepy confirmed.

Chair Lord asked if P-1 is for a 100-year storm.

Joe Coronati, engineer, confirmed.

Chair Lord asked where the overflow will go onto the neighbor's property.

Mr. Coronati explained there is a low point in that area and the abutter is built up a bit. It is good to put the overflow not necessarily on the berm, so it is on the side of the detention pond on existing ground. It would be able to flow over through stabilized area over the berm itself.

Chair Lord commented it looked like it was just between the two property lines. It looked like it was trying to be put as far away from the center of their property as possible.

Mr. Coronati replied yes and as far away from the property line as possible.

Member Finn asked if there are any issues with the ledge on the site.

Mr. Garrepy explained the ledge is primarily concentrated to the rear of the property. There is some shallow depth to ledge throughout the back of the property beyond the stonewall. The exposed ledge is located primarily towards the rear of the property.

Member Finn asked if the stonewall that is half way across the site will be staying.

Mr. Garrepy explained the intent was to keep the stonewalls, to the extent possible. He commented that they will add a note to the plans that the stones will be kept on site and reused. More than likely, some of the stone will be reused when the road is cut to close the driveway off for the existing house. He noted that they will also be abandoning the existing driveway for the existing house. There will be a new driveway off the road to the existing house. He pointed out that the stonewalls will be reused on site for landscaping and recreating new stonewalls.

Chair Losik asked if there are any interested parties on the Zoom meeting who would like to comment.

Planning Administrator Reed read a comment from the chat room from Eric Weinrieb, Altus Engineering, who is representing the Ben Wheeler the abutter. Mr. Weinrieb stated there is more ledge on the lot than is shown on the Jones and Beach plans. He is worried about the 4K area, which is over a ledge outcrop.

Mr. Coronati noted that the ledge areas are shown on Sheet C-2. The 4K areas are quite a ways from the ledge outcropping. There are two passing test pits in each of the 4K areas. Test pits were dug for the existing house and those test pits are shown on the plan.

Planning Administrator Reed asked for the test pit datum for test pits 10 and 11.

Mr. Garrepy explained that test pits 10 and 11 were dug off property in error on Mr. Wheeler's property. Those have not been logged or submitted. He noted the lot lines are very narrow at the rear of this lot. It was assumed the stonewall was the property line and it was not.

There was some discussion about possibly reducing the width of the road from 24' to 20'. The Committee agreed they would support that revision, as there are only three new homes and it would result in less impervious coverage. Mr. Coronati agreed to work on a plan for that change to present and discuss with the full Board.

Motion by Jim Finn to declare the application for 850 Washington Road as complete and to move it to the Planning Board Meeting on February 9, 2021. Seconded by Patricia Losik.
Roll Call: Jim Finn – Yes; Patricia Losik – Yes; JM Lord – Yes
Motion passed

Adjournment

Motion by Patricia Losik to adjourn at 9:46 a.m. Seconded by Jim Finn.
Roll Call: Jim Finn – Yes; Patricia Losik – Yes; JM Lord – Yes

Respectfully Submitted, Dyana F. Ledger