

NOTES OF JULY 9, 2013 RYE PLANNING BOARD MEETING

Final Revision B – Provided by the Rye Civic League

Present: Bill Epperson, Mel Low, Priscilla Jenness (arrived late during Old Ferry Landing relocation presentation), Ray Tweedie, Phil Winslow, Jerry Gittlein, Keriann Roman (alternate), Anne Crotty (alternate), Jeffrey Quinn (alternate)

Also present: Kim Reed, planning administrator

Editor's note: For ease in finding particular sections using the archived video and audio on the Town website, the times associated with each section are indicated. These coincide with the times appearing in the black bar at the top of the screen.

Seating of alternate

Chairman Epperson indicated that alternate Anne Crotty would be seated in place of Curtis Boivin, who was not present. *Editor's note: Mr. Boivin has moved out of Town and thus resigned from the Planning Board.*

Approval of minutes (7:00:30 p.m.)

The dates for subcommittee meetings were corrected. The Rules and Regulations Committee will meet on Wednesday July 17, 2013. The Long Range Planning Workshop will be on Thursday, August 15. The motion to approve these and some other minor changes, as well as additional ones that Dyana Ledger had made to the May minutes carried unanimously.

John Leonard, 68 Perkins Rd., Driveway permit (7:05:28 p.m.)

Mr. Leonard spoke in regard to this. The spot in question had been used for parking for a long time. He would like to pave it to eliminate the mud.

Chairman Epperson indicated that the house already has two driveways and he wants to add a third paved driveway. Normally only one driveway is permitted, he said. Chairman Epperson asked about the impervious coverage following addition of the third driveway. Mr. Leonard provided a figure of 4300 sq. ft. Chairman Epperson stated that it would be within the required range at that amount of coverage.

Mr. Leonard indicated that there is a garage on the property which crosses the lot line and is shared with a neighbor. He has two tenants. He and each of the two tenants have two cars, so he needs parking for a total of 6 vehicles.

Chairman Epperson indicated that, by his calculation the current impervious coverage is 5413 sq. ft. With the requested addition it would be 6073 sq. ft. It just makes the 30% limit, he said.

Mr. Tweedie stated that the parking had been there for a long time. He suggested that the paving be approved with a stipulation. Mr. Winslow stated that it was reasonable to pave the area.

Ms. Roman asked whether there were ponding or drainage issues. Mr. Leonard responded that it gets muddy, but there were not issues with ponding or drainage.

Chairman Epperson stated that he was reluctant to approve this. There are two non-conforming driveways already and a third is being requested. He does not want to set a precedent, but he will go along with the rest of the board.

Mr. Tweedie indicated that documentation of lengths and slopes should be provided.

Mr. Tweedie's motion to accept jurisdiction carried unanimously. Mr. Tweedie's motion to grant waivers pursuant to sections 405.2.D and 403.2.D carried unanimously. The drawing submitted would be accepted in lieu of a site plan.

Mr. Tweedie moved to approve the driveway permit with the stipulation that the distances appear on the plan and that the applicant work with the Road Agent (Public Works Director Dennis McCarthy) with regard to sloping, and if possible, impervious coverage. All were in favor.

Waterscapes of New England, 137 Lafayette Rd. (7:24:21 p.m.)

This matter was continued to the August 13 meeting. All were in favor.

Lot line/highway relocation and Major Subdivision (18 Frontier St. and 36 Pioneer Rd. (7:25:25 p.m.)

Editor's note: The issue of these properties is very complex. It was the subject of 2013 Warrant Article 12, which passed 652-359. See notes of the July 8, 2013, November 26, 2012, October 22, 2012, September 10, 2012, August 27, 2012, June 25, 2012 and May 29, 2012, and July 8, 2013 Board of Selectmen meetings.

Corey Colwell with MSC Civil Engineers addressed the application. He stated that Diane Cavaretta was present, as well as a Mr. Philip, a consultant with regard to energy issues. He explained that there are two lots of record, originally created in 1956. Old Ferry Landing Rd. starts at Pioneer Rd., cuts through those lots, crosses the Wentworth-by-the-Sea County Club to the old ferry landing which is near the current bridge to New Castle. It is one of the oldest roads in the State with an unknown date of origin. The plan is to move the road slightly to the south and the east. This was approved by the Board of Selectmen and by the voters in a 2013 Warrant Article.

Map 24 lot 82 currently has frontage on Frontier St. The plan is to use Old Ferry Landing Rd. as the frontage for map 24 lot 97. *Editor's note: These are 18 Frontier St. and 36 Pioneer Rd., respectively.* The plan is to change the lot line between these two lots and to use Old Ferry Landing Rd. to connect to driveways for both lots. The Selectmen approved, the prior night, the recording of the deed for the relocation of Old Ferry Landing Rd. It will remain a Class VI Road. Although it will need to be built to Town standards, the Town will not be responsible for maintaining this road. Building the road to Town standards will allow for the possibility that that Town may one day want to take over the road.

Mr. Winslow asked what the standard width was for Class VI roads. Mr. Colwell responded that there is no standard. The standard for Town roads is currently 50 feet, however he has seen Class VI roads from 16.5 feet on up. The proposal here is for a road

16.5 feet wide.

Chairman Epperson stated that the 16.5 ft. was an old colonial width. He asked about increasing the width to permit two emergency vehicles to pass each other. Mr. Colwell suggested that this be done with an easement. One of the proposed lots is only 28,971 sq. ft. and an increased width would eat away at that. While the current standard lot size is 66,000 sq. ft., the existing lot is only 22,000 sq. ft., but is being expanded.

Mr. Quinn asked about Old Ferry Landing Rd. and its condition. Mr. Colwell responded that there is no access in the first 200-250 ft. It could be walked, biked, or possibly accessed by moped, but there is a bridge that is deteriorating, making passage by a larger vehicle questionable. The public has a right to bike or walk Old Ferry Landing Rd. Mr. Colwell stated that, in the future, the road will be privately maintained up to a geographic point, but not maintained past that point.

Mr. Colwell stated that there is no wetlands impact from the road, but DES approval is needed as it is in the wetlands zone. The test pits indicate that the soil is suitable for septic if the lot is 24,000 sq. ft. or larger. The second lot is proposed to be 42,760 sq. ft. so both lots are larger than that. The standard permits a 4 bedroom home.

Mr. Tweedie indicated that he was very familiar with the area. He indicated that he had received a call from an abutter indicating that equipment was leaking on the site, the soil had come from an old gas station on Sagamore Rd. and diesel could be smelled in the soil.

Mr. Colwell stated that many abutters had appeared at Board of Selectmen meetings when the road location was being considered by them in 2012. The Cavarettas had maintained that the soil came from a golf course. Eastern Analytics was hired to analyze the soil. He, Dennis McCarthy and Michael Magnant were present for the taking of soil samples. The tests came back that there were no contaminants. There was some arsenic, but below typical golf course levels. There was particular testing for the types of products typically caused by a gas station, but none were found.

Chairman Epperson indicated that they had received a communication from Town Attorney Donovan indicating that the Board of Selectmen needed to take two additional steps with respect to the property: (1) provide permission to improve town property (i.e. Old Ferry Landing Rd.) and (2) authorize the Building Inspector to issue a building permit. There was a reference to N.H. RSA 674:41 in connection with the latter.

Mr. Colwell indicated that, with improvements, lot 82 will be at 42 percent impervious coverage and lot 97 will be at 17 percent impervious coverage. The average of the two indicates acceptable coverage, he asserted. While there are not specific plans for buildings, they have made some assumptions and have demonstrated that large buildings will fit on the lots within the buildable areas. They have also shown a dock on Witch Creek for one of the properties.

The existing Old Ferry Landing Rd. is really not passable in the first 150 feet due to grade changes. It will be built up using soil coming from cellar excavations. Once the road has been rebuilt, it will be very smooth. Utility service will come from Frontier St.

Chairman Epperson asked about a storm water management plan. Mr. Colwell responded that one lot is 17 percent impermeable driveways, the other is 20 percent.

Zoning Board of Adjustment approval will be needed as the lots are non conforming at less than 66,000 sq. ft.

Mr. Tweedie asked whether there would be a covenant in the deed stating that the

road will not be Town maintained. Mr. Colwell indicated that it could easily be added to the deed. Mr. Low agreed that that was very important. Mr. Tweedie indicated that a road maintenance agreement between the owners of the two lots might also be needed.

Chairman Epperson indicated that he wanted to do a site walk. Then they could talk in depth about storm water management. He suggested the establishment of an escrow account, which would allow AMEC to get involved.

The hearing was then opened up for public comment. Peter Crawford stated that he understood that Old Ferry Landing Rd. went from Pioneer Rd., through the Wentworth-by-the-Sea Country Club to near Sanders Poynt. He stated that he believed that the Town owned the entire right of way. He asked whether any of the steps that were being planned would preclude the Town from establishing a bike path along this route. Mr. Colwell assured him that nothing that was being planned would affect that.

The motion to accept jurisdiction carried unanimously.

Chairman Epperson indicated that AMEC would cost approximately \$2800 and the attorneys \$1500. He suggested an escrow account of \$5000. When asked whether he would accept that, Mr. Colwell stated that he did not write the checks. Ms. Cavaretta indicated reluctance, but agreed to the escrow.

The site walk was scheduled for July 27 at 8:00 a.m. It was estimated that this would take about 1 ½ hours.

The matter was continued to the August 13, 2013 meeting, all voting in favor.

Escrow payments (8:44:10 p.m.)

A \$78 escrow payment to AMEC in connection with Sanctuary Care was unanimously approved.

Master Plan, Long Range Planning Committee, Rules Committee (8:44:50 p.m.)

Mr. Low announced that the Master Plan was ready for everyone to take home, and passed out copies. *Editor's note: After the meeting adjourned, Mr. Crawford asked whether an electronic copy was available. Ms. Reed responded in the negative, stating that it was still a draft.* A work session from 6:00 p.m. to 8:00 p.m. was scheduled for August 15. Mr. Winslow stated that Mae Bradshaw wanted to provide input on behalf of the Heritage Commission. Mr. Low indicated that they could accept such input if she was representing the Commission.

Keriann Roman stated that the meeting of the Rules Committee on July 17 would be a first round of revisions. There is likely to be a contentious issue with regard to waterfront lots and coverage. *Editor's note: There is a proposal, withdrawn last year, but back on the table this year, to calculate lot coverage based on the buildable area, rather than the total area. This could have a major impact on lots that are located adjacent to bodies of water, where part of the lot is either below water, or is marshland. Typically, a maximum of 15 percent or 30 percent of a lot's area may be impervious, depending on whether the lot is in the single residence or general residence district.*

Rockingham Planning Commission (8:47:00 p.m.)

Chairman Epperson indicated that he and Mr. Winslow had met with Jeff Senate and Lynn Greenwood of the Rockingham Planning Commission (“RPC”) on June 17 or 18. He wanted to clearly understand the RPC’s capabilities and expectations. Material had apparently been asked for in the past, but no deadlines had been established. That explained why it had not been provided.

Chairman Epperson stated that he recommended that they remain in the RPC and appoint two new commissioners. They will need to be specific as to when the material that is requested is needed. Mr. Winslow is interested in becoming one of the commissioners, he said.

Mr. Winslow stated that any request to the RPC should go through Ms. Reed and be in writing, so they have documentation and can prove whether or not there was a response.

Mr. Tweedie asked whether what the dues paid for was specified.

Chairman Epperson stated that they have a responsibility to provide demographic data and maps.

Mr. Tweedie asked whether, if there are no requests, there would be a refund of the dues.

Chairman Epperson responded that it works like a retainer.

Selectman Jenness asked whether there were charges in addition to the retainer. Chairman Epperson responded that, if the request was beyond the scope of their day-to-day responsibilities there might be a charge. For example, if the RPC were to help write the Master Plan there would be a charge.

Ms. Roman stated that their meetings are public, so anyone can go. She suggested that they make a concerted effort to use the RPC in the next 12 months.

Mr. Tweedie asked what the stipulations would be in the contract, and when amounts would be paid. Chairman Epperson stated that the payment was for dues. It is like a retainer, not actually a retainer, he said. The dues are \$5000 annually.

Mr. Tweedie responded that he was only comfortable with a one year stipulation. They need to take care of Rye. They have not been getting a benefit from this.

Chairman Epperson stated that there was a lot that they would not be privy to unless they were part of the RPC.

Mr. Winslow stated that 5 of 10 of the focus areas were relevant to Rye. He agreed with the one year commitment.

Ms. Roman stated that the dues are annual anyway. As the current commissioner she is unable to attend most meetings. She is willing to remain a commissioner.

Mr. Winslow suggested that, if they fill one position, they ask Ms. Roman to remain in the other one until both have been filled.

Chairman Epperson stated that they could recommend who they want to the Board of Selectman. He doubts that they will reject anyone that the Planning Board recommends.

The possibility of waiting to see if others are interested was discussed. However, it was agreed that Phil should be installed now (i.e. recommended to the Board of Selectmen). The motion to recommend Mr. Winslow carried unanimously.

Capital Improvements Program (“CIP”) Plan

Mr. Winslow stated that the first pass of the CIP Plan is being reviewed the following evening. They are looking at providing it to the Budget Committee in September, and then to the Board of Selectmen. Mr. Epperson said “be frugal.” Mr. Tweedie mentioned that money was now cheap to bond. Mr. Epperson repeated “be frugal.” *Editor’s note: Mr. Winslow is one of the five members of the CIP Committee.*

Adjournment (9:00 p.m)

The motion to adjourn the meeting carried unanimously.