

PLANNING BOARD

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant: Jones & Beach Associates

Owner: Edward G. Patenaude, Sr. Revocable Trust

Property: 10 Forest Green, Tax Map 18, Lot 45-9
Property is in the Single Residence

Application case: Case #04-2023

Application: Minor Subdivision Application for Edward G. Patenaude, Sr. Revocable Trust for property owned and located at 10 Forest Green, Tax Map 18, Lot 45-9 to subdivide the lot into two single-family residential lots with waivers to 202-3.4.D(2) & 202-3.4.D(4) requiring a topographical and stormwater management plans. The property is in the Single Residence District. Case #04-2023.

Date of decision: ~~April 18,~~ ^{May 16,} 2023

Decisions:

Motions by JM Lord, seconded by Bill MacLeod to grant the applicant's requests to the following waivers of the Rye Land Development Regulations:

- 1) Section 202-3.4.D(2) for a topographical and soils plan;
- 2) Section 202-3.4.D(4) for a Stormwater management plan (SWMP);
- 3) Section 202- VII Construction Performance Guarantee and Inspections;
- 4) Section 202-8.3 Construction Site Runoff – Erosion and Sediment Control Standards/Inspection and Enforcement;
- 5) Section 202-IX Post-Construction Stormwater Management standards; and
- 6) Section 202-XI Landscaping Standards

The Board voted unanimously to grant the aforementioned waivers, the basis for the waivers granted shall be recorded in the minutes of the Board and that specific circumstances relative to the subdivision indicate that the waivers will properly carry out the spirit and intent of these regulations.

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

Motion by Pat Losik, seconded by JM Lord to approve the following Findings of Fact:

1. The Planning Board finds that the proposed plan has adequately met the following sections of Land Development Regulations:

Article VI – Land Development Standards

- a. 202-6.0 General Provisions
- b. 202-6.1 Zoning and other regulations have been considered.
- c. 202-6.2 Subdivision design standards, (A)1-lots considered.
- d. 202-6.5 Waterline construction is adequate.
- e. 202-6.7 Septic standards are met.
- f. 202-6.8 Standards for preservation of natural features and environment are met.

Article VIII – Construction Site Runoff -erosion and Sediment Control Standards.

- a. 202-8.0 Purpose and standards are met.
- b. 202-8.1 Erosion and Sediment control plan requirements are adequate.
- c. 202-8.2 Best practices for site plan review and subdivision applications are adequate.

Article X – Outdoor Lighting Standards

- a. 202-10.0 Purpose
- b. 202-10.2 Outdoor lighting Design A, C, F, G are adequate.

Motion passed unanimously.

Motion by JM Lord, seconded by Bill McLeod, to approve the following Conditions of Approval:

Conditions of Approval:

1. *The May 10, 2023 plan set shall be revised as follows:*

C1, A1, and C2 shall include soils as depicted on information submitted in the Site-Specific Soil Survey Report by Gove Environmental Services, Inc. dated 5-16-23, stamped by James P. Gove.

2. *Sufficient funds in escrow to pay attorney fees.*

3. *The Planning Board Chair may sign plans when the foregoing condition(s) are met.*

4. *A Stormwater Management Plan per §190-5.7B shall be submitted at such time that the applicant applies for a building permit.*

4. *The Building Inspector shall require a landscape plan depicting limits of tree removal prior to the issuance of a building permit.*

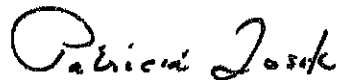
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5. *If an irrigation system is installed on the lot, the system shall comply with §202 Appendix G.*
6. *Per §202-4.4 of the Land Development Regulations, this conditional approval shall expire in 18 months if the Chair has not signed the plan as the result of the applicant's failure to meet those conditions necessary to permit the Chair to sign the plan.*

Motion by JM Lord, seconded by Bill MacLeod, to approve the Minor Subdivision Application for Edward G. Patenaude, Sr. Revocable Trust for property owned and located at 10 Forest Green, Tax Map 18, Lot 45-9 to subdivide the lot into two single-family residential lots, with conditions. Motion passed unanimously.

5-22-2023

Date



Patricia Losik, Chair
Rye Planning Board

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.