

# RYE PLANNING BOARD

10 Central Road Rye, NH 03870 (603) 964-9800

## Notice of Decision

**Applicant/Owner:** Grail Real Estate, LLC

**Addresses:** 6 Airfield Drive, Tax Map 10, Lot 15  
Property is Commercial District, Multi-Family Overlay District. Aquifer Protection Overlay and Berry's Brook Watershed

**Request:** Request for Recertification of Exemption granted by the Planning Board October 2021 by Grail Real Estate, LLC for property at 6 Airfield Drive, Tax Map 10, Lot 15 for a community of fitness and wellness business. Property is Commercial District, Multi-Family Overlay District. Aquifer Protection Overlay and Berry's Brook Watershed.

**Date of Decision:** Tuesday July 25, 2023

### **Decision:**

#### **Motion by JM Lord to accept the Findings of Fact:**

I. Airfield Place at 6 Airfield Drive is continuing its buildout with 4 current tenants and administration occupying (Exhibit 8D) The site is approved for commercial recreation and accessory uses. The current use of the site as a health and wellness focused building is consistent with uses per RZO §190-11.1.

II. The occupancy count of 995 based on IBC occupancy classifications per Exhibit 8B (5/12/23) exceeds the allowable capacity determined by the TFMoran Septic System Capacity Analysis per Exhibit 4 (3/18/22) of 7,292 GPD. The septic system capacity can support 706 members and employees per day, and snack bar/restaurant service of 50 meals per day (kitchen waste only) and 4 employees; in summary: 710 members and employees, and 50 meals per day. Septic analysis per water use readings per Exhibit 4B indicate use based on current occupancy at 36% of the designed flow, and 61% at build out; demonstrating additional capacity.

III. The Traffic Impact Assessment memorandum per TEC of 7/22/22 (Exhibit 5) assumes usage of all usable square footage (approximately 54K) and use as a health/fitness club and concludes the traffic generated by the proposed use can be safely and efficiently accommodated along existing street system with queues from Airfield Drive not expected to extend more than 2 vehicles per lane.

IV. On 7/18/23 the Grail team reported that the current businesses support approximately 200 visits per day, a metric supported by observed on-site parking use.

V. Unit 1500 of 15K SF leased to New England Pickleball Club houses 6 courts and no use expansion is planned. With an IBC occupancy of 300, typically the maximum occupancy is 24: 4 players per court.

VI. All businesses with the exception of Engrain Marketplace and Rye Physical Therapy are member only.

a. Engrain supports all of the Grail fitness community with de minimis public use. At approximately 600 SF with an occupancy of 11, including 2 employees, its further expansion is conditioned upon Planning Board site review and approval. It's affiliate currently located in South Berwick, ME offers catering services. Catering services are not offered directly by Engrain at Airfield Place.

b. Rye Physical Therapy supports the fitness community by providing physical therapy services in 1,760 SF space and up to 3 practioners.

**The motion made by JM was seconded by Bill Epperson, all in favor. Vote 6-0-0**

**Motion by JM Lord on the Findings on Exempt Activities per §202-2.1B(4)(a)[1],[2] and [3]**

(4) Exempt activities.

(a) The following nonresidential site developments which involve only minimal changes to the site and environment do not require review under these regulations:

[1] Additions to the aggregate coverage of existing structure or buildings or additions to existing parking, loading and unloading areas, and driveway areas that are less than 100 square feet.

[2] The surfacing of existing unsurfaced parking areas, driveways, loading and unloading areas and walkways of 100 square feet or less.

[3] Changes in use (including use intensification) which do not expand a building or involve construction on the lot(s), provided that the change in use complies with the following criteria. Any change in use is required to obtain a change of use permit from the Building Department.

[a] No additional off-street parking is required; and

[b] Sanitary waste loading of the site does not increase beyond the capacity of existing septic systems or waste disposal service; and

[c] No adverse impacts beyond site development boundaries will occur, including but not limited to:

- [i] Increased traffic hazards.
- [ii] Groundwater and drainage.
- [iii] Sanitary and solid waste disposal.
- [iv] Lighting.
- [v] Noise pollution.
- [vi] Air pollution.

**Motion made by JM Lord was seconded by Kevin Brandon, all in favor vote 6-0-0 with the following conditions:**

#### **Conditions of Approval**

1. If a change in use is determined, a change of use permit must be obtained from the building department prior to the operation of business at Airfield Place (§202-2.1(4)(a)[3]).
2. Hours of operation will not exceed 9 pm, 7 days per week.
3. All activities will take place within the building.
4. Uses of the building are for members/employees primarily and must be consistent with Commercial Recreation per RZO §190-11.1, including accessory uses.
5. Accessory uses per §190-11.1 must be limited to members/employees primarily or the Applicant must provide the Planning Board with a revised Septic System Capacity Analysis to ensure conditions are met if users exceeds 710.
6. Unit 1200 comprises 605 SF and is currently leased to Engrain Marketplace. No additional square footage will be pursued or permitted inside of Airfield Place to provide snack bar, restaurant service, and retail sales of related recreational, sports or health and fitness items without Planning Board site review and approval.
7. The building will have a daily occupancy not to exceed 710 occupants including members and employees based on septic system capacity. (Exhibits 4 and 8C). The Applicant cannot exceed 710 members and employees, without Planning Board site review and approval.

8. Parking for future maximum occupants of 710 per current RZO §5.0 requires 236 spaces where 235 spaces are provided (Per Exhibit 2) No additional parking may be provided without Planning Board site review and approval.
9. Updated Traffic Impact Assessment shall be required with Planning Board Site Review & approval if any changes that trip end as reflected in the TEC Traffic Impact Analysis dated 7/22/2022.
10. Special events must comply with all Town permitting requirements.

8/16/23  
Date

  
Patricia Losik, Chairman  
Rye Planning Board

# RYE PLANNING BOARD

10 Central Road Rye, NH 03870 (603) 964-9800

## Notice of Decision

**Applicant/Owner:** Grail Real Estate, LLC

**Addresses:** 6 Airfield Drive, Tax Map 10, Lot 15  
Property is Commercial District, Multi-Family Overlay District. Aquifer Protection Overlay and Berry's Brook Watershed

**Request:** Major Site Development Plan by Grail Real Estate, LLC for property at 6 Airfield Drive, Tax Map 10, Lot 15 for a community of fitness and wellness business. Property is Commercial District, Multi-Family Overlay District. Aquifer Protection Overlay and Berry's Brook Watershed. Case 11-2023.

**Date of Decision:** Tuesday July 25, 2023

**Decision:** The applicant withdrew their application.

7/26/23  
Date

  
Patricia Losik, Chairman  
Rye Planning Board