

RYE PLANNING BOARD

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

NOTICE OF DECISION AND FINDINGS OF FACT TOWN OF RYE PLANNING BOARD

Applicant/Owner: The Grail Zone, LLC/Grail Real Estate LLC
Addresses: 2 and 6 Airfield Drive, Tax Map 10, Lot 15
ZONE: Property is in the Commercial District, Multi-Family Dwelling Overlay District
CASE NO: #09-2024

Request: Minor Subdivision Plan by the Grail Zone, LLC for property owned and located 2 and 6 Airfield Drive, Tax Map 10, Lot 15 to subdivide the lot into three (3) lots on an existing road. Property is in the Commercial District, Multi-Family Dwelling Overlay District, and Aquifer Protection District. Case #09-2024.

The Rye Planning Board issues this Notice of Decision and Findings of Fact in accordance with RSA 676:3. In issuing this Notice of Decision and these Findings of Fact, the Planning Board incorporates such facts and evidence as are reflected in the submittals and meeting minutes associated with this matter that are supportive of the decisions and Findings of Fact contained herein.

FACTUAL FINDINGS

1. The property is located at 2 & 6 Airfield Drive, Tax Map 10, Lot 15 (“**the Property**”).
2. The Property is owned by Grail Real Estate LLC (“**the Applicant**”).
3. The Property is approximately 23.90 Acres in size with frontage along Airfield Drive a Private Road.
4. TFM Moran submitted the application on behalf of the applicant which included in the application, a cover letter, subdivision application, request for waiver from 202-3.4.D(4) a Stormwater Management Plan, abutters list, Subdivision Plan Set dated September 19, 2024 by TFMoran.
5. The application was emailed to Maddie DiIonno, RPC on September 20, 2024.
6. Department Head requests were emailed to all departments on October 4, 2024.
 - a. Response from Kevin Wunderly, Deputy Fire Chief on October 7, 2024, that at this time the fire department has no questions.
 - b. On Tuesday, October 8, 2024, the Planning & Zoning Administrator, Kimberly Reed met with the Police Chief, Kevin Walsh to go over the application.
 - c. Response from Kevin Walsh, Police Chief stated he had no information to add in regard to dividing property into 3 parcels.
 - d. Steve Harding, Town Engineer stated that since they were not building at this time, just creating a lot his. Email 10-10-24 “I noticed in their cover letter that they are not

proposing any construction at this time. Do you still need an escrow estimate or should we wait for a construction project to be proposed”

7. A memorandum was issued October 9, 2024, by Maddie Dilonno, RPC Circuit Rider with the following message:

“Rockingham Planning Commission has reviewed a minor subdivision application submitted by TF Moran, Inc. on behalf of Grail Real Estate, LLC for property located at 6 Airfield Drive (Tax Map 10 Lot 15). The proposal is to subdivide Map 10 Lot 15 into 3 lots each with frontage on Airfield Drive. Map 10 Lot 15 is 25.67 acres and located in the Commercial Zoning District and Multi-family Zoning Overlay District.

Based on review of the application materials submitted, the following comments and recommendations are offered at this time:

1. A waiver request has been submitted with the application for Article III, Section 202-3.4D(4), which requires a stormwater management plan. Given that no development is currently proposed, the waiver request appears reasonable. It is recommended that the Planning Board carefully review the waiver request and specific conditions related to the subdivision to ensure that granting the waiver aligns with the spirit and intent of the Land Development Regulations. If the Board approves the waiver, a note reflecting this decision should be included on the final plans.
 2. It is recommended that the total buildable area (i.e., area of non-wetland soils and steep slopes) be quantified for each proposed lot in accordance with Section 202-3.1(9) of the Rye Land Development Regulations. This will ensure compliance with Section 202-6.8B which requires that all lots have a minimum of 44,000 square feet of area outside of the Wetland Conservation District.
 3. It is recommended that all new easement documentation be reviewed by town counsel as a condition of plan approval.”
8. On October 15, 2024, the Planning Board conducted a public hearing on the application. The draft conditions of approval were reviewed and agreed upon by the Applicant.
9. On October 15, 2024, The Planning Board issues this Notice of Decision and Findings of Fact.

DECISION

10. After review of all submittals provided and statements made during the record, the Board grants the Applicant’s request to the following waivers of the Rye Land Development Regulations.

Motion by JM Lord, seconded by Bob Eberhart to grant a waiver to Article III, Section 202-3.4.D(4) for a Stormwater Management Plan given that strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of these regulations as there is no proposed construction associated with this project at this time. Vote 6-1-0.

Motion by JM Lord, seconded by Bob Eberhart to approve the minor subdivision application for The Grail Zone, LLC/Grail Real Estate LLC for property owned and located at 2 and 6 Airfield Drive, Tax Map 10, Lot 15 to subdivide the lot into three (3) lots on an existing road. Property is in the Commercial District, Multi-Family Dwelling Overlay District, and Aquifer Protection District with the following conditions. Vote 7-0-0.

CONDITIONS OF APPROVAL

1. Add a note reflecting waiver from Article III, Section 202-3.4.D(4) on final plans.
2. Delineate and quantify the total buildable areas (e.g. area of non-wetland soils, steep slopes, building setback or other area where development is not permitted without permission). This will ensure compliance with Article XI Section 202-6.8.B which requires that all lots have a minimum of 44,000 square feet of area outside of the Wetlands Conservation District.
3. Sufficient funds in escrow to pay attorney fees, said amount to be \$1,000.
4. All easement documents be reviewed by Town Counsel.
5. The Planning Board Chair may sign the plans when the foregoing conditions(s) are met.
6. Per Article VI Section 202-4.4, 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.

Any party aggrieved by this decision has the right to seek judicial review of this decision by filing an appeal to the Rockingham County Superior Court or the Housing Appeals Board (HAB) within thirty (30) days of the date of the hearing at which the Board voted to take the action set forth herein, unless such decision related to the application, construction, or interpretation of the Rye Zoning Ordinance, in which case, an aggrieved party may appeal such decision to the Rye Zoning Board of Adjustment in accordance with RSA 676:5 and the Zoning Board of Adjustment Rules of Procedure.

10-17-2024
Date


Patricia Losik, Chairman, Rye Planning Board