

# Rye City Planning Commission Minutes

October 30, 2018

## MEETING ATTENDANCE:

### Planning Commission Members:

- Nick Everett, Chair
- Martha Monserrate, Vice-Chair
- Andrew Ball
- Laura Brett
- Richard Mecca
- Steven Secon
- Birgit Townley

### Other:

- Christian K. Miller, AICP, City Planner
- Carolyn Cunningham, CC/AC Chair
- Melissa Johannessen, AICP, LEED AP
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## I. HEARINGS

### 1. Summit Avenue (WP#440)

- Mr. James Ryan, applicant's engineer, and Mr. Daniel Tartaglia, applicant's attorney, were present for the application. Mr. Ryan stated that the applicant is seeking wetland permit approval to develop a single-family home on a 0.92-acre property on Summit Avenue. He stated that the home will have a 2,300 sf footprint.
- Mr. Ryan noted that the plans have been modified since the initial submission in response to Planning Commission comments over the course of several meetings. Mr. Ryan stated that specific concerns that had been addressed related to the amount of disturbance, the stormwater management plan, and access for emergency vehicles.
- Mr. Ryan stated that a conservation easement is proposed as mitigation for the wetland buffer disturbance. He noted that the project also involves stabilization of the slope. He stated that a wetland consultant, Michael Nowicki, has been advising the applicant with respect to the wetland and buffer and has conducted a functional analysis of the offsite wetland. Mr. Ryan also stated that the stormwater system was designed for the 100-year storm.
- Mr. Eugene McGuire, resident of 260 North Street in the Ives development, stated that he was concerned about the property being adjacent to a swamp and questioned how it could be developed because of how wet it sometimes was. He also stated that he was concerned about the amount of fill that would be needed and how the drainage would work.
- Mr. Pat MacCarthy, resident of 60 Summit Avenue, stated that he served on the Planning Commission years ago and would have found this a difficult application to approve. He stated that the site is definitely wet, even if it is not actually a wetland. He stated that it has been wet even a week after a storm and even if the building will only be in the buffer and not the wetland itself, the area of the building footprint still has the appearance of a wetland.

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- Mrs. Terry Caridi and Mr. Tony Caridi, residents of 18 Summit Avenue, stated that they live directly adjacent to the subject property and they believe that the applicant is capable of addressing any concerns that the Planning Commission has about the application. Mrs. Caridi stated that they fully support the application and believe that a new house would be an improvement to the neighborhood. Mr. Caridi stated that the house will be set back from the road so its visual impact will be lessened. He also stated that stormwater management techniques have become more sophisticated since his own house was built and he believes that with newer technology available now, potential drainage problems will not be a concern.
  - The Commission asked about the size of the conservation easement relative to the overall parcel size. Mr. Ryan stated that the parcel is 0.92 acres and the conservation easement is 0.43 acres, or almost half the parcel.
  - Mr. Ryan stated that the wetland boundary is shown on the site plans and the project will have no direct impact on the wetland. He stated that some fill will need to be brought in. He also noted that the stormwater system will be located within the driveway and is sized to handle the 100-year storm, unlike most stormwater systems that are designed to accommodate the 25-year storm. Mr. Ryan also noted that only the driveway will be within the area of the flood plain, not any part of the house.

**ACTION:** Richard Mecca made a motion, seconded by Laura Brett, to close the public hearing for Wetland Permit Application Number WP#440, which was carried by the following vote:

Nick Everett, Chair:	Absent
Martha Monserrate, Vice-Chair:	Aye
Andrew Ball:	Aye
Laura Brett:	Aye
Richard Mecca:	Aye
Steven Secon	Aye
Birgit Townley	Aye

**2. 111 Wappanocca Avenue (WP#446)**

- Mr. Richard Horsman, landscape architect, was present for the application. Mr. Horsman stated that the subject property backs up to the Blind Brook and is subject to flooding. He stated that the project consists of demolishing the existing house and constructing a new one that will be elevated above the flood level. He noted that the site plan was modified to move the proposed house further away from the brook, resulting in a net decrease of impervious surface area within the wetland buffer compared to the existing condition. Mr. Horsman stated that with this

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1 change, there is no longer a need for wetland mitigation plantings, but decorative  
2 landscaping is still proposed. He noted that the proposed dry well system will  
3 function in typical storms as well as in flood conditions.  
4

- 5 • There were no comments from the public.

6  
7 **ACTION:** Laura Brett made a motion, seconded by Richard Mecca, to close the public  
8 hearing for Wetland Permit Application Number WP#446, which was carried  
9 by the following vote:

10		
11	Nick Everett, Chair:	Absent
12	Martha Monserrate, Vice-Chair:	Aye
13	Andrew Ball:	Aye
14	Laura Brett:	Aye
15	Richard Mecca:	Aye
16	Steven Secon	Aye
17	Birgit Townley	Aye
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20 **3. 3 Club Road (SUB#347 Modification)**

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- 22 • Mr. Leo Napior, applicant's attorney, was present for the application. Mr. Napior  
23 stated that a three-lot subdivision was previously approved for the subject property  
24 earlier this year and now the applicant is returning for a modified approval for a  
25 two-lot subdivision. He stated that the existing house on the property will remain  
26 as is and a second flag lot will be created, with both lots sharing the existing  
27 driveway. Mr. Napior noted that both lots will be zoning compliant.  
28
  - 29 • There were no comments from the public.

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31 **ACTION:** Richard Mecca made a motion, seconded by Steven Secon, to close the  
32 public hearing for Modified Subdivision Application Number SUB#347,  
33 which was carried by the following vote:

34		
35	Nick Everett, Chair:	Absent
36	Martha Monserrate, Vice-Chair:	Aye
37	Andrew Ball:	Aye
38	Laura Brett:	Abstain
39	Richard Mecca:	Aye
40	Steven Secon	Aye
41	Birgit Townley	Aye
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44 **4. Rye Golf Club**

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- 1 • Mr. Jim Buonaiuto, Rye Golf Club General Manager; Mr. Chip Lafferty,  
2 Superintendent; and Mr. Jerry Barrett, landscape architect, were present for the  
3 application. Mr. Barrett stated that the applicant has heard some concerns about  
4 stormwater from some of the neighbors and Mr. Lafferty has been working to  
5 address their concerns. He stated that he believes the Golf Club has worked out  
6 solutions with the neighbors.  
7
- 8 • Mr. Barrett described the proposed improvements in the vicinity of Hole #10,  
9 stating that the existing pipe to the pond is full of silt, so a stone-walled channel  
10 will be created to alleviate flooding at the pond.  
11
- 12 • Regarding the Hole #11 pond, Mr. Barrett stated that the intent is to expand the  
13 pond from a capacity of 300,000 gallons of water to 800,000 gallons, which will  
14 enable it to function as a true irrigation pond.  
15
- 16 • Ms. Jody Domotor, resident of 188 Soundview Avenue, stated that after speaking  
17 with Mr. Lafferty, she is satisfied that her concerns have been sufficiently  
18 addressed.  
19

20 **ACTION:** Richard Mecca made a motion, seconded by Steven Secon, to close the  
21 public hearing for Wetland Permit Application Number WP#449, which was  
22 carried by the following vote:  
23

24 Nick Everett, Chair:	Absent
25 Martha Monserrate, Vice-Chair:	Aye
26 Andrew Ball:	Aye
27 Laura Brett:	Aye
28 Richard Mecca:	Aye
29 Steven Secon	Aye
30 Birgit Townley	Aye

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33 **5. Coveleigh Club – Pier Foundation Repairs (WP#450)**  
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- 35 • Ms. Eileen Ciampini, the applicant's engineer, and Mr. Ted Hennes, General  
36 Manager of the Coveleigh Club, were present for the application. Ms. Ciampini  
37 stated that the application involves repairing the existing pier piles that are encased  
38 in concrete. She stated that the existing steel piles will be reinforced with steel and  
39 wrapped in a watertight formwork, into which new concrete will be poured. She  
40 stated that the work will be done during dry periods and it is expected to occur in  
41 stages over a four-year period.  
42
- 43 • The Commission asked if a proposed work sequence had been developed yet. Ms.  
44 Ciampini stated that it is expected that the piles furthest from shore will be repaired  
45 first, as they show the most deterioration.

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- There were no comments from the public.

**ACTION:** Andrew Ball made a motion, seconded by Birgit Townley, to close the public hearing for Wetland Permit Application Number WP#450, which was carried by the following vote:

Nick Everett, Chair:	Absent
Martha Monserrate, Vice-Chair:	Aye
Andrew Ball:	Aye
Laura Brett:	Aye
Richard Mecca:	Aye
Steven Secon	Aye
Birgit Townley	Aye

**II. ITEMS PENDING ACTION**

**1. Summit Avenue (WP#440)**

- Mr. Jim Ryan, the applicant’s engineer, and Mr. Daniel Tartaglia, applicant’s attorney, were present for the application. The Commission noted that the CC/AC has concerns about the amount of disturbance in the wetland buffer, including the pool. Mr. Tartaglia noted that the site is nearly an acre in size so there is adequate room for a pool. The Commission stated that the concern is that all of the disturbance is located within the wetland buffer. Mr. Ryan stated that the applicant has been responsive to the Commission’s comments thus far and this is the first time they are hearing comments from the CC/AC. He also stated that the site has little area for recreation because there is not much of a rear yard and a pool is consistent with those at other similar houses. The Commission stated that the pool itself is not the concern; rather, it is the amount of disturbance for the entire project, and the pool is not considered essential to the project. Mr. Tartaglia stated that the pool represents an incremental amount of disturbance on the site.
- The Commission noted that there were other concerns besides the amount of disturbance. The Commission noted that the applicant should specifically define the restricted activities within the proposed conservation easement. It was stated that it should be considered a “no-touch zone,” where maintenance, clearing, dumping, and removal of any materials is prohibited unless there is a danger to life or property. The City Planner pointed out that even leaf blowing should be prohibited and the applicant needs to prepare a narrative identifying the prohibitions.

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- 1 • The Commission also asked that markers be added to delineate the conservation  
2 easement as appropriate. The City Planner noted that the City has standard details  
3 for monument markers that he can provide to the applicant.  
4
- 5 • The City Planner also stated that the applicant should consider the potential impact  
6 of the wall near the driveway in the flood plain, since it was mentioned during the  
7 public hearing. Mr. Ryan stated that it is a riprap wall intended to stabilize the slope.  
8 The Commission discussed the property limits and Mr. Tartaglia stated his belief  
9 that on a paper street, all abutting properties own to the centerline. The City  
10 Planner noted that the applicant has the right to use the paper street to gain access  
11 to their property, as does the Ives development.  
12
- 13 • Mr. Ryan asked whether disturbance could be reduced elsewhere on the site if the  
14 pool was to remain as proposed. The Commission said that would be acceptable  
15 and again noted that 10,000 sf of disturbance within the wetland buffer is  
16 extensive.  
17

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19 **2. 111 Wappanocca Avenue (WP#446)**  
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- 21 • The Commission reviewed the draft resolution and made no changes. The City  
22 Planner noted that the application requires variances for height and number of  
23 stories. He said the Zoning Board of Appeals will determine whether a variance is  
24 needed for the front steps extending into the front yard setback.  
25

26 **ACTION:** Birgit Townley made a motion, seconded by Richard Mecca, to approve  
27 Wetland Permit Application Number WP#446, which was carried by the  
28 following vote:  
29

30	Nick Everett, Chair:	Absent
31	Martha Monserrate, Vice-Chair:	Aye
32	Andrew Ball:	Aye
33	Laura Brett:	Aye
34	Richard Mecca:	Aye
35	Steven Secon	Aye
36	Birgit Townley	Aye

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39 **3. 3 Club Road (SUB#347 Modification)**  
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- 41 • The Commission reviewed the draft resolution. The Commission noted that  
42 Condition A.9 should be added to the resolution requiring a deed restriction for the  
43 shared driveway. The City Planner informed the applicant that if two separate  
44 driveways are desired in the future, Planning Commission review would be  
45 required. It was also noted that the utility easement had been added to the plans.

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**ACTION:** Richard Mecca made a motion, seconded by Steven Secon, to approve as amended Modified Subdivision Application Number SUB#347, which was carried by the following vote:

Nick Everett, Chair:	Absent
Martha Monserrate, Vice-Chair:	Aye
Andrew Ball:	Aye
Laura Brett:	Abstain
Richard Mecca:	Aye
Steven Secon	Aye
Birgit Townley	Aye

**4. Rye Golf Club (WP#449)**

- The Commission stated that it had concerns about the proposed enlargement of the pond near Hole #11. It was noted that enlarging the pond would extend the wetland buffer further onto some of the adjacent properties on Soundview Avenue. The Commission discussed potential opportunities for reducing the regulatory burden of such a change on the adjacent properties. Mr. Buonaiuto stated that given that the work on Hole #11 was not planned to begin until the fall of 2019, the Golf Club would be willing to separate that work from the rest of the application and seek separate approval for it at a later date. The Commission agreed to move ahead with that approach.
- The Commission reviewed the draft resolution and revised it to specifically exclude the proposed work relating to the expansion of the Hole #11 pond.

**ACTION:** Andrew Ball made a motion, seconded by Richard Mecca, to approve as amended Wetland Permit Application Number WP#449, which was carried by the following vote:

Nick Everett, Chair:	Absent
Martha Monserrate, Vice-Chair:	Aye
Andrew Ball:	Aye
Laura Brett:	Aye
Richard Mecca:	Aye
Steven Secon	Aye
Birgit Townley	Aye

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1 **5. Coveleigh Club – Pier Foundation Repairs (WP#450)**

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- The Commission reviewed the draft resolution and made no changes.

4

5 **ACTION:** Laura Brett made a motion, seconded by Birgit Townley, to approve  
6 Wetland Permit Application Number WP#450, which was carried by the  
7 following vote:

8

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Nick Everett, Chair: Absent

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Martha Monserrate, Vice-Chair: Aye

11

Andrew Ball: Aye

12

Laura Brett: Aye

13

Richard Mecca: Aye

14

Steven Secon Aye

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Birgit Townley Aye

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**6. 63 Midland Avenue (WP#443)**

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- Mr. Leo Napior, applicant's attorney, was present for the application. Mr. Napior stated that the site plan has been revised at the Commission's request to show a deck rather than an elevated patio. He stated that the applicant is now hoping for a favorable recommendation from the Commission to the Zoning Board of Appeals for the needed variances.

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- The Commission reviewed the draft letter of support to the ZBA. The City Planner stated that the main factor in the applicant's variance request is that the applicant prepared a zoning-compliant plan that the Commission did not support because it requires fill in the wetland buffer; therefore, the Commission supports the variance request in this case.

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- The Commission told Mr. Napior to let the project engineer know that anything within 5' of the property line cannot be combustible.

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**ACTION:** Laura Brett made a motion, seconded by Birgit Townley, to set the public  
36 hearing for Wetland Permit Application Number WP#443, which was carried  
37 by the following vote:

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Nick Everett, Chair: Absent

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Martha Monserrate, Vice-Chair: Aye

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Andrew Ball: Aye

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Laura Brett: Aye

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Richard Mecca: Aye

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Steven Secon Aye

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Birgit Townley Aye

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**7. Rockridge Christmas Tree Sales**

- The Commission reviewed the proposal for Christmas tree sales and had no comments or questions.

**ACTION:** Laura Brett made a motion, seconded by Birgit Townley, to approve the Use Permit for Christmas tree sales, which was carried by the following vote:

Nick Everett, Chair:	Absent
Martha Monserrate, Vice-Chair:	Aye
Andrew Ball:	Aye
Laura Brett:	Aye
Richard Mecca:	Aye
Steven Secon	Aye
Birgit Townley	Aye

**8. Minutes**

- The Commission reviewed the draft minutes from the October 16, 2018 meeting and made minor revisions.

**ACTION:** Laura Brett made a motion, seconded by Richard Mecca, to approve as amended the minutes from the October 16<sup>th</sup> meeting, which was carried by the following vote:

Nick Everett, Chair:	Absent
Martha Monserrate, Vice-Chair:	Aye
Andrew Ball:	Aye
Laura Brett:	Aye
Richard Mecca:	Aye
Steven Secon	Aye
Birgit Townley	Aye