

Rye City Planning Commission Minutes
December 12, 2017

MEETING ATTENDANCE:

Planning Commission Members:

- Nick Everett, Chair
- Martha Monserrate, Vice-Chair
- Andrew Ball
- Laura Brett (arrived late)
- Hugh Greechan
- Richard Mecca
- Alfred Vitiello

Other:

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

1. 3 Club Road

- Mr. Leo Napior, applicant’s attorney; Mr. Michael Stein, applicant’s engineer; and Mr. Richard Horsman, applicant’s landscape architect, were present for the application. Mr. Napior briefly described the project, stating that it involves a property in the R-1 zoning district with a minimum lot size of 1 acre. He stated that the subject property is 4.13 acres and is therefore oversized. He stated that the applicant seeks to subdivide the property into 3 lots. The two new lots will be over 1 acre in size and the lot with the existing residence will be 1.6 acres.
- Mr. Napior stated that there are existing utilities available, and the existing septic system will be abandoned and the subdivision will connect to the public sewer in Club Road. He also noted that soil testing revealed sufficient percolation rates for the subsurface stormwater system. Finally, he noted that a new private road will be provided to serve the new properties.
- The Commission asked if a landscape plan had been prepared. Mr. Napior said no. He noted that most of the trees on the south side of the right-of-way will be preserved. The Commission requested that the applicant prepare a landscape plan for review.
- The Commission also asked the applicant to summarize the modifications made to the plan since the first appearance before the Commission. Mr. Napior stated that the proposed road was shifted north to avoid an area of rock and keep more vegetation. He stated that the location of the subsurface stormwater system was rotated slightly, and green space was added in the cul-de-sac to reduce the amount of impervious area. Mr. Napior also noted that the shifting of the proposed road reduced crowding of the neighboring property as well.
- There were no public comments.

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- 1 • The Commission requested that the applicant provide a landscape plan showing
2 both the existing trees and the proposed screening on the southern side of the
3 property.
4
- 5 • The Commission stated that a neighbor sent an email to the Commission
6 requesting that the public hearing be held open. The Commission stated that they
7 will honor the request and continue the meeting to January 9th.
8

9 **ACTION:** Martha Monserrate made a motion, seconded by Alfred Vitiello, to continue
10 the public hearing for Subdivision Application SUB#347, which was carried
11 by the following vote:

12		
13	Nick Everett, Chair:	Aye
14	Martha Monserrate, Vice-Chair:	Aye
15	Andrew Ball:	Aye
16	Laura Brett:	Absent
17	Hugh Greechan:	Absent
18	Richard Mecca:	Absent
19	Alfred Vitiello:	Aye
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21		

22 **II. ITEMS PENDING ACTION**

23
24 **1. 3 Club Road**

- 25
- 26 • The Commission told Mr. Horsman that with respect to the landscaping plan, they
27 wanted to see what is proposed and what will survive.
28
- 29 • The Commission asked about the pavement width and curbs on the proposed
30 road. Mr. Napior stated that 25' width is required for public roads and 20' is the
31 minimum per NFPA standards.
32
- 33 • Mr. Napior stated that no variances are required, no wetland permits are required,
34 and the property is not in the flood plain. The Commission asked about drainage.
35 The City Planner stated that the City Engineer is comfortable with the design, but
36 noted that he will speak to him regarding the curbs.
37
- 38 • The Commission asked about the draft stormwater easement and Mr. Napior
39 stated that it will be provided. He noted that because of the existing septic system,
40 perc tests could not be done in that location, but it may be possible to locate the
41 stormwater system there. He stated that the applicant agreed to include a note on
42 the plan allowing it to move if the subsurface conditions are acceptable.
43
- 44 • The Commission noted that the City Planner should circulate the memo on street
45 naming protocol. Mr. Napior stated that he was not aware of a naming protocol
46 and the applicant wanted to name the proposed road Bishop for his late wife.

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- A neighbor present at the meeting asked if the subdivision was zoning compliant. The Commission answered yes. The neighbor asked if the property was auctioned. Mr. Napior stated that whether it was auctioned or not has no bearing on the application, but noted that the auction was conducted, but the property is not under contract and remains in the same ownership.
 - Ms. Kathleen McCabe of 21 Club Road expressed concern about the construction period and the safety implications for the neighborhood. She also said she was concerned about traffic and how much construction activity the neighborhood could bear. The Commission stated that the building department would review the construction plan when the application applies for a building permit.
 - The Commission asked whether a traffic study was done. Mr. Napior said no and noted that it is not typical to do a traffic study for a three-lot subdivision. The City Planner noted that capacity is not an issue, but the applicant should prepare a construction management plan, a phasing plan, and determine the timing of improvements relative to the timing of construction of the new homes. Another neighbor agreed and stated that she was very concerned about construction impacts.
 - The Commission asked the neighbors to allow the applicant to address these concerns at the continued public hearing. It was also noted that the site is large enough that construction vehicles and equipment can likely be stored onsite. The Commission noted that the worst-case scenario for construction is that both new houses are constructed at the same time.
 - A neighbor asked if plans were available. The Commission noted that they are in the City Planner's office and can be viewed at any time. It was noted that the plans are not available online. A neighbor asked if part of the existing house would be demolished. Mr. Napior said that part of the house will be demolished to comply with FAR requirements. The timing of the demolition was discussed and the Mr. Napior stated that once the subdivision is approved, the portion would need to be demolished and then the plan is signed off on and becomes a legal subdivision plat. The neighbor said that it would seem there is some construction aspect to the subdivision plan.
 - The neighbor asked if there were any constraints on the approval, with blasting for example. The City Planner stated that the application will have to comply with all relevant City requirements, including blasting, noise, hours of construction, etc.
- 2. 15 Purdy Avenue/Town Dock Restaurant**
- (Laura Brett arrived.)

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- 1 • Mr. David Mooney, architect, was present for the application. Mr. Mooney noted
2 that the existing one-story building at the rear of the property is now demolished.
3 He described the changes to the site plan since the last appearance before the
4 Commission. He noted that there is now a planter proposed between the building
5 and the trash enclosure. He also stated that an ADA-compliant access is proposed
6 to the rear door of the building.
7
- 8 • Mr. Mooney stated that the trash enclosure will hold one container for garbage and
9 one for recyclables and will have bi-fold doors. The Commission asked if they will
10 be roll-off containers. Mr. Mooney said yes. The Commission expressed concern
11 about probable damage to the bi-fold doors from the movement of the containers
12 in and out of the enclosure. Mr. Mooney stated that the enclosure is six feet high
13 with no roof and is more like a pen than a room. The Commission noted that at the
14 Peachwave location, there is a metal gate with a sliding track that can open two-
15 thirds of the way, allowing the containers to be removed. The Commission noted
16 that that system seems to have worked well. The City Planner noted that a lower
17 fence like that at Peachwave may be better because it would be less visually
18 imposing from the street. The Commission noted, however, that with a lower fence,
19 the trash is sometimes visible over the fence at Peachwave.
20
- 21 • The Commission acknowledged that the project would have a positive visual
22 impact, but there are concerns about garbage storage and collection, as well as
23 drainage. Mr. Mooney stated that regarding drainage, the drainage runs through
24 the basement to Purdy. The Commission requested more detail on the engineering
25 and asked the applicant to consult with the City Engineer.
26
- 27 • The City Planner requested that details of the enclosure be provided. He also
28 asked for existing and proposed elevations and cut sheets. He noted that the view
29 from adjacent properties should be shown, particularly from the west.
30
- 31 • The Commission expressed concern about odors from the trash enclosure and the
32 potential impact on outdoor diners, considering how close the enclosure is to the
33 terrace seating. Mr. Mooney stated that there is no problem now, but the
34 Commission noted that there are no outdoor diners now. It was also noted that
35 trash from the Rye Grill & Bar is close to the terrace as well. The Commission
36 suggested that the trash could be fully enclosed. With diners only a few feet away,
37 it was felt that odors would be a problem.
38
- 39 • The City Planner requested more information about the trash collection;
40 specifically, how grease will be dealt with, the number of pickups, the frequency of
41 pickups, and how cardboard will be stored.
42
- 43 • The Commission asked if there are concerns about setback requirements if the
44 trash enclosure were to be made into a full building. The City Planner stated that
45 he will check the zoning code. The Commission asked the applicant to return at
46 the January 9th meeting.

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3. 6 Dalphin Drive

- Mr. Steven Ripp, applicant, was present for the application. The Commission stated that the application will have to be treated as if nothing has been built. The Commission asked whether alternate locations for the playset were evaluated. Mr. Ripp stated that the playset was originally intended for another location, but Miller’s Hobbies (the equipment vendor) evaluated the property and determined that other locations were too sloped to safely install the playset. Mr. Ripp stated that retaining walls would be needed to level the property. He also noted that the playset would be more visible from public viewsheds.
- The Commission stated that at the site walk, a trampoline and a condenser unit were observed and asked whether those locations had been explored. Mr. Ripp stated that there is a generator, not a condenser, that cannot be relocated, and they did explore the trampoline location but that would still require a retaining wall. Mr. Ripp stated that it would also still be in the wetland buffer.
- The Commission asked if the applicant discussed the location of the playset with the neighbors. He said no.
- A neighbor present at the meeting asked the Commission whether the applicant had permission to do work in the wetland buffer. The Commission said no. She stated that she saw people putting in pilings and pavers and said she was told that was not allowed. She questioned why the applicant went ahead with the work without obtaining permission first.
- The Commission stated that the applicant needs to do more work with respect to evaluating alternate locations on the property, even if a wall would be required. Mr. Ripp stated that they did explore other locations and they are too sloped. He noted that the wetland consultant determined there would be no impact to the wetland from the proposed location. He also noted that fill would be required in any other location.
- The Commission directed the applicant to prepare a plan showing alternate locations and what would be required to feasibly locate the playset there.
- The Commission asked about the CC/AC’s findings. Ms. Cunningham stated that they found the application acceptable, based on the wetland consultant’s findings, and the CC/AC did not think the playset was too intrusive.
- The Commission reiterated that the applicant should do a drawing and show the impact of alternative placements, and then the Commission will be able to make a decision. The Commission asked the applicant to return at the January 9th meeting and then hopefully a public hearing would be able to be set for January 23rd.

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4. 10 Winthrop Street

- Mr. Richard Horsman, landscape architect, Mr. Mark Mustacato, architect, and Mrs. Nye, applicant, were present for the application. Mr. Horsman described the application, stating that it involves a small addition to the house for the extension of a dining room and construction of a new wooden deck. He noted that there is a wall separating the property from the Blind Brook and there is an elevation change of 5-7' between the property and the brook, with phragmites below. Mr. Horsman noted that the property is isolated from the wetland and has not flooded in the past. He stated that the gravel area is to be replaced with upland wetland buffer plantings. He noted that the gravel will be used for the on-grade sitting area and the remainder of the gravel will be used around the garage.
- Mr. Horsman stated that curbing will be used to create definition around the planting bed, and a rain garden will be created that will capture roof runoff from the house. He stated that the runoff will be well filtered before entering the brook. He also noted that there will be a gravel dry well near the garage. Mr. Horsman stated that the planting beds will include native shrubs and perennial vegetation.
- The Commission asked about the placement of the wetland markers. Mr. Horsman stated that the purpose is to delineate the location of the mitigation plantings, which he stated was especially important given that the planting area is on the property line.
- The Commission noted that the CC/AC reviewed the application and found it acceptable. Ms. Cunningham stated that the application would have minimal impact on flooding and runoff based on the limited size of the addition and deck and the distance above the brook.

ACTION: Andrew Ball made a motion, seconded by Alfred Vitiello, to set the public hearing for Wetland Permit Application WP#430, which was carried by the following vote:

Nick Everett, Chair:	Aye
Martha Monserrate, Vice-Chair:	Aye
Andrew Ball:	Aye
Laura Brett:	Aye
Hugh Greechan:	Absent
Richard Mecca:	Absent
Alfred Vitiello:	Aye

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1 **5. Rockridge Christmas Tree Sales (Item taken out of order)**

- 2
- 3 • The Commission reviewed the application for Christmas tree sales and had no
 - 4 comments.
- 5

6 **ACTION:** Laura Brett made a motion, seconded by Alfred Vitiello, to approve the Use

7 Permit for Christmas Tree Sales, which was carried by the following vote:

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10 Nick Everett, Chair:	Aye
11 Martha Monserrate, Vice-Chair:	Aye
12 Andrew Ball:	Aye
13 Laura Brett:	Aye
14 Hugh Greechan:	Absent
15 Richard Mecca:	Absent
16 Alfred Vitiello:	Aye

17

18 **6. Consideration of 2018 Planning Commission Meeting Schedule**

- 19
- 20 • The Commission reviewed and approved the proposed Planning Commission
 - 21 Meeting Schedule.
- 22

23

24 **7. Minutes**

- 25
- 26 • The Planning Commission reviewed the draft minutes from the November 14, 2017
 - 27 meeting and made minor revisions.
- 28

29 **ACTION:** Martha Monserrate made a motion, seconded by Alfred Vitiello, to approve

30 as amended the minutes from the November 14th meeting, which was

31 carried by the following vote:

32

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34 Nick Everett, Chair:	Aye
35 Martha Monserrate, Vice-Chair:	Aye
36 Andrew Ball:	Aye
37 Laura Brett:	Aye
38 Hugh Greechan:	Absent
39 Richard Mecca:	Absent
40 Alfred Vitiello:	Aye

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