

RYE CONSERVATION COMMISSION

Site Walk Minutes

Wednesday October 25, 2017

Meeting was called to order by Chair King at 3:30 pm

RCC members present at site walks: Chair Sally King, Vice Chair Suzanne McFarland, Members Jaci Grote, Susan Shepcaro, and Mike Garvan.

3:30 pm: 255 Central Road Map 008 Lot 012 , Owner: Tour Auto of NH LLC

Present: Mark Olson, Landwright, LLC, representing the owner.

The owner had requested to cut some trees that were in the wetland buffer. The RCC looked at the marked trees and they were within 5-6 feet of the wetland so the owner has withdrawn his request. The site is a former commercial service station that will be used to garage the owner's car collection. Mr. Olson is in charge of the project to make the site more attractive. He has constructed wooden fences in the buffer along the edges of the property but this is an allowed activity for which a building permit was issued. He has removed significant square footage of concrete, impervious pavement and replaced it with soil with the intent of landscaping it.

The property has wetlands on the back portion of the land which is not part of the owner's lot. There is an existing lawn and a small vegetable garden there. The RCC recommended that the owner plant some native shrubs and plants along the property line and to desist from mowing the portion of lawn that is not on his property. Mr. Olson thought the owner would agree to cooperate.

3:45 pm: 1233 Ocean Boulevard Tax Map 17.3 Lot 5, Owner: Peter J. Aikens, Jr.

Present: Justin Aurelindo, Landscapes by Aurelindo, representing the owner.

The applicant proposes replacing his impervious gravel driveway with a driveway made of pervious pavers. Mr. Aurelindo explained the project would require digging up the existing gravel drive, adding some loose gravel for drainage and then installing the pervious pavers. There would be no height change compared to the current drive. The project would be completed during the winter months when traffic on Ocean Boulevard is minimal. The RCC had no objection to the project as proposed.

4:00 pm: 0 Brackett Road Tax Map 17 Lot 34-2, Owners, Gary A. Ceely, George B. Ceely and the Estate of Glen F. Ceely of 216 Caney Court Prince Frederick, MD, Joel and Lauren Feid, 7 Skyview Drive, Greenland, NH.

Present: Heather Reed, RCC joined the other members; Cory Colwell, TFMoran and Joel Feid, applicant; Richard Snierison, abutter; Tom Clifford, neighbor.

The Rye Conservation Commission (RCC) conducted a site walk at 0 Brackett Road on October 25, 2017 to evaluate a proposed home site on the property. The construction requires a variance because portions of the project will be within the 75 foot wetland buffer. A corner of the house will be 55 feet from the wetland boundary where 75 feet is required. The construction of the house, patio and the lawn area will require grading and fill and will be within 24 feet of the wetland where 75 feet is required. There is a seasonal stream with well-defined banks running through the north side of the lot. The wetland associated with this stream creates the buffer that would be violated. Engineer Corey Colwell, TFMoran, representing Mr. & Mrs. Feid, reported that the disturbance and encroachment in the wetland buffer would total approximately 3,000 square feet. Additionally several large trees with diameters greater than 4.5" at a height of 4.5 feet would be removed which is also a wetland buffer violation.

The RCC heard from several abutters and neighbors of the project. Mr. Tom Clifford, 25 Washington Road, was present at the site walk and expressed his concern that the stream must be kept clear of obstructions or the flow will be impaired and the upstream areas could flood. Mr. Richard Snierson, an abutter at 711 Brackett Road, attended the site walk and had numerous concerns about the effect of the project on groundwater levels, stream flow volumes and future flooding. Mr. Thomas Burke, an abutter at 700 Brackett Road, wrote to express his concern that the project would impact the water resource and to register his support for adhering to the existing buffer regulations as well as voicing his opposition to the project.

The Conservation Commission had many concerns about the project and the current siting of the home, lawn and patio in the wetland buffer. When the lot was originally approved by the Planning Board in 2010, the buildable area was in the rear of the lot with a 300 foot driveway accessing the home site. This building site was out of the then-required 50 foot wetland buffer. Mr. Snierson mentioned that concern for the wetlands in the front of the lot was a reason that the building was sited in the rear of the lot at the time of creation in 2010. Mr. Colwell explained that the process only requires that a lot be shown to be buildable to be approved and that a home need not be restricted to just that location.

That concern is even greater today because the Town of Rye voters subsequently adopted a 75 foot wetland buffer making the front of the lot even more sensitive. The Conservation Commission is charged with the responsibility to protect Rye's wetland resources by adherence to the existing regulations. This project as proposed would violate the current wetlands ordinance by allowing construction and disturbance in the 75 foot wetland buffer. The potential negative effects are numerous.

- 1) The removal of trees and vegetation in the buffer will result in higher groundwater levels and greater stream flows which could result in more frequent or severe flooding in the area. Trees and forest shrubs pull water out of the soil by a process called transepiration or transpiration. The water is then used to sustain the trees and shrubs and is eventually released into the atmosphere as water vapor. The proposed garage, lawn and patio will not perform this function, thus leaving more water in the soil.
- 2) A lawn typically is enriched by nitrogen fertilizer of some kind and often maintained using herbicides and/or pesticides which can flow or percolate into watercourses. The

need for an appropriate distance from a wetland is exactly why buffers are required to allow sufficient filtration of such materials before they enter a stream or wetland.

- 3) The lot is in the sensitive Parsons Creek watershed so extra care is warranted.

The RCC believes that the size of this home, patio and lawn are too great for the section of the lot where it is proposed. It extends 2/3 of the way into the buffer in one area and 1/3 of the way in another with a significant total incursion. It is possible that a smaller design would accommodate both the needs of the owner and the protection of the wetland. We appreciate the desire of the Feid family to construct a home, patio and lawn that meets their needs. We further appreciate the cooperation the Feids have shown. They have downsized the home from about 2,700 sq. ft. to 2,300 sq. ft. and at the site walk appeared to be amenable to moving the house 6 feet closer to the western lot line even though that would require a side setback variance. Mr. Feid also indicated a willingness to plant native trees and shrubs along the inside edge of his lawn area.

The Rye Conservation Commission would be willing to look at another configuration. They wished to spend a day or two to assess the project before writing a consensus recommendation.

Meeting adjourned 4:55 pm.

Respectfully submitted,

Francis P. (Mike) Garvan II, Clerk