

RYE CONSERVATION COMMISSION
Site Walk Minutes
Friday, March 24, 2017

Meeting was called to order by Chair King at 4:00 pm

Present at site walks: Sally King, Chair; Members Suzanne McFarland, Mike Garvan, Susan Shepcaro, Jaci Grote and Heather Reed

4:00 pm: 2316 Ocean Boulevard, Map5, Lot 54-1. John Thoret, owner. Present: Steve Riker, Ambit Engineering, presented the proposal for the owners.

The Rye Conservation Commission (RCC) conducted a site walk at this property to review a proposal to alter the existing seawall and to add a granite base for a flagpole. Mr. Riker explained that the northern cheek wall on the stairway would be extended to break up the ocean surge from the north. The surge has been eroding some of the northern cheek wall and had been flowing directly up the stairwell. Some additional chinking of the wall would occur at the same time.

On the northeast corner of the lawn, the owner proposes to create a 5 foot x 5 foot granite base for the purpose of erecting a flagpole. Member McFarland asked about putting some native plantings along the seawall. Mr. Riker noted that the lawn was not really near the ocean due to the width of the seawall and that the contour of the lot would result in a flow toward Ocean Boulevard, not the ocean. The RCC noted the excellent design of the pervious pavers in the driveway. Mr. Thoret joined the group at the end of the site walk and described his snow blowing routine on the driveway which doesn't dislodge any of the pavers.

4:30 pm: 30 LaMer Drive, Map 13 Lot 44. Charles and Lindsay Beynon, owners. Present: Member Jeff Gardner joined the RCC members previously listed. Chris Gagnon from MSC Engineering and Attorney Chris Mulligan represented the applicants. Owner Charles Beynon was also present.

The applicants wish to tear down the existing dwelling and construct a larger home on the lot. Most of the proposed home and driveway are within the 100 foot tidal wetland buffer. The new home and its driveway will be closer to the wetland than the existing dwelling and driveway. The southeast corner of the proposed drive and house would be about 50 feet from the wetland marsh. The new home would have a 700 square foot greater footprint than the current house and garage. The existing driveway is impervious and the new drive will be constructed with pervious pavers. The net effect would be a reduction of 4,000 square feet of impervious surface on the lot. The back of the lot has a 325 feet border along a stone wall directly adjacent to the wetland marsh. This is currently maintained as a grass lawn.

Mr. Gagnon explained that the building envelope and location was partly determined by the Rye side yard setback requirements. Chair King asked if the home could be sited further from the marsh and closer to LaMer Drive. Mr. Gagnon indicated that would be possible if a variance was granted for the side setbacks. Mr. Beynon said that he wouldn't object to moving the house further from the marsh. The RCC members present agreed that it would be preferable from an

environmental standpoint to relocate the house further from the marsh. The lot is smaller than required by town ordinance so the RCC felt it would be reasonable to grant relief on the setbacks in exchange for moving more of the house out of the tidal wetland buffer.

Member McFarland commented on one of the two proposed locations for an underground propane tank. One of the proposed locations is directly in back of the home and is in the buffer about 50 feet from the marsh. The RCC members agreed that the other location on the northeast side of the house would be preferable since it is out of the tidal buffer. It might require setback relief if sited there but this would be an environmentally preferred location.

Member Garvan asked about the amount of disturbance and fill that would be required in the buffer since there is an elevation change near the back edge of the proposed home. Mr. Gagnon did not have that information but said he would get it. Member McFarland suggested that the 325 foot property boundary adjacent to the marsh be planted with a mix of native plants to a depth of about 20 feet to aid in filtering possible contaminants before they enter the marsh. Mr. Beynon indicated he would not be opposed to that and Member Garvan said the RCC would provide the NH DES list of native plants to MSC Engineering and Mr. Beynon.

Member Gardner asked about the septic and Mr. Gagnon did not have information on that. Rye Building Inspector Peter Rowell should be asked about that.

5:00 pm: Rye Town Hall for presentation of proposal at 740 Washington Road. Present: RCC members previously listed, Chris Gagnon, MSC Engineering and Attorney Monica Kieser representing owners Manuel Barba, Jr. and Carol Barba.

Ms. Keiser explained the history of the property which has a second dwelling on a single lot in apparent violation of the Rye Zoning Ordinance. This dwelling is entirely within the 75 foot wetland buffer which violates Sections 301.8B(1), 301.8B(2) & 301.8B(7) of the Rye Zoning Ordinance. The dwelling does not have a septic system and is using a cesspool of indeterminate age and origin. This is in violation of Rye Building Code Section 7.9. The RCC does not have oversight on the issue of a second dwelling on a single lot but is concerned only with the violations that impact the wetland resource and the environment.

Mr. Gagnon explained the proposal to install an enviroseptic septic system on the property. This system would consist of a tank and pump chamber to be installed 10 feet from the dwelling and entirely in the 75 foot wetland buffer. The tank would be gravity fed from the house into the chamber and then pumped via a 150 foot long forcemain pipe to the leach field. The leach field would be sited just outside the wetland buffer. The system would be designed for a 2 bedroom dwelling. Member McFarland asked about the maintenance requirements of such a system and Mr. Gagnon said he would get back to the commission with more information on that. Member Gardner asked if the tank could be located elsewhere and Mr. Gagnon said that it was located where it was because of the grade on the site and that it needed to there to allow the gravity feed from the house to the tank. Virtually all of the 150 foot long forcemain pipe would be in the wetland buffer. Commission members had more concerns but decided to wait until they were on the property to express them.

5:30 pm: 740 Washington Road, Map 11, Lot 103. Present: RCC members previously listed, Chris Gagnon, MSC Engineering and Attorney Monica Kieser representing owners Manuel Barba, Jr. and Carol Barba.

Mr. Gagnon reviewed the location and functioning of the proposed septic system and the RCC walked the property in the vicinity of the system as well as the wetlands on that portion of the lot. There is a flowing stream within a few feet of the delineated wetland boundary. Upon further inspection, the RCC discovered that the stream flows within 20 feet or so of the northwest corner of the existing dwelling. The northwest corner of the building is 12 feet from the wetland boundary. The commission also discovered a pipe originating in the dwelling that ran into the wetlands and which terminates and discharges within a few feet of the stream. This may be attached to a sump pump. Member Garvan noted that there is a large impervious paved driveway from Hunter's Run to the dwelling. Almost all of this driveway is within the 75 foot wetlands buffer. Member Garvan also noted that construction of the proposed septic system would necessitate the cutting of several large white pine trees, all greater than 4" diameter at 4 feet height. The great majority of these trees are in the wetland buffer.

Chair King expressed concern that the proposed septic would require careful maintenance. Member Grote felt that the system should be on a required pumping and maintenance schedule like the septic systems in the Parsons Creek watershed.

In the final onsite discussion, the RCC decided that the existing dwelling and driveway are poorly sited and pose significant negative environmental impacts due to the proximity to the stream and because it is entirely in the wetland buffer. The commission's preference is that no further use be allowed. If the dwelling is to be allowed to be occupied, the RCC would like to see it moved out of the wetland buffer and onto the upland portion of the lot. The lot is large and the dwelling could be moved to a place that would accommodate the septic and be outside the wetland buffer. The RCC felt that the driveway could be relocated and/or constructed with pervious pavers to minimize the impact to the wetland. The commission would like to see a required pumping and maintenance schedule for the proposed system, if approved. Any approved construction should minimize the cutting of the large trees and a plan for revegetating the cut areas should be created and implemented. Additional native plantings along the wetland boundary should be required.

Meeting adjourned at 6:05 pm.

Respectfully submitted,

Francis P. (Mike) Garvan II, Clerk