

TOWN OF RYE – PLANNING BOARD

Thursday, May 25, 2017 – 4:00 p.m.

Site Walk – 421 South Road

Members Present: Chairman Bill Epperson, Patricia Losik, J.M. Lord, Selectmen's Rep Phil Winslow, Alternates Katy Sherman and Anne Richter-Arnold.

Others Present: Planning Administrator Kimberly Reed, Patricia Weathersby, Board of Adjustment Chair, Danna Truslow, Hydrologist (consultant for Rye), Joe Falzone, Developer, Christian Smith, Beals and Associates (representing the developer), Tim Stone, Stonehill Environmental (representing the developer), Jim Gove, Gove Environmental (representing the developer), and several members of the public.

I. Call to Order

Chairman Epperson called the site walk to order at 4:00 p.m. at 421 South Road. He noted that the site walk is open to the public and questions from the public will be heard.

II. Site Walk for the following application before the Board:

- **Final** Major Subdivision, Lot Line Adjustment and Conditional Use Permit by Harbor Street Limited Partnership of Stratham NH for properties located at 421 South Road, Tax Map 4, Lots 25, 27, 31 & 32, for a 22 lot subdivision. Property is in the Single Residence District and within the Aquifer and Wellhead Protection District. Case #13-2016.

Member Losik stated that they want to look at the significant drainage features and drainage easement. They will be looking at Lots 8 and 9; also, Lots 5 and 6 on the back. The group will be looking at Lots 2, 4, 14 and 12, (on the east side). The Board will also be looking at the road stations, on both sides, east and west. Also, the Station in relation to the vernal pool.

Anne Hodsdon, 427 South Road, stated that in looking through the regulations it said that the center lines would be something that could be seen on the ground.

Chairman Epperson explained that because of the time constraints they were not able to get them in. They could get them in by June 9th; however, the Board needed to do this walk as soon as possible. If Mr. Smith has a good idea of where they are, this could be pointed out.

Patricia Weathersby, Board of Adjustment Chair, asked if the areas where the variances are being requested could be pointed out.

Christian Smith, Beals and Associates, noted that the variances are for Lot 2.

Member Losik commented that they will be looking at the drainage and the area for the driveway crossing. She asked Mr. Smith what they will see for markings.

Mr. Smith stated there may be some leftover center line stakes on Francis Path. He noted that the road they are standing on has changed in alignment based on Severino's work. There are some older center line stakes.

Member Losik asked if they will see wetland markings.

Mr. Smith replied he hopes.

Member Losik asked about test pits.

Mr. Smith commented the test pits should still be marked.

Chairman Epperson led the site walk to the end of the property (across from Woodland Road). The group reconvened at the starting point, Station 5, (near Robert Seiner's property). The group started the site walk onto the property by walking on the woods road to look at the flag markings.

Mr. Smith pointed out that they are passing Station 0+5.

The group continued to walk into the property.

Mr. Smith pointed out Station 100 (located near the old cabin).

Bob Seiner, 399 South Road, stated that he wants to be sure the road that is going to be across from Woodland Road is not going to be too close to the existing structure. He asked if there is supposed to be a 50ft buffer from the edge of the road.

Mr. Smith explained the right-of-way is designed so it is not in the buffer.

Mr. Seiner asked if this was verified.

Mr. Smith confirmed that it was verified by survey. He noted that the road design has changed a lot.

The site walk continued into the property.

Member Losik asked if they were at the boundary of Lots 11 and 12.

Mr. Smith replied that they are halfway to Lot 12.

The group continued to walk to the area of the boundary line for Lots 11 and 12.

Member Losik pointed out that they are a little bit east of where the actual roadbed will be.

Mr. Smith stated they are at Station 300, center line.

Member Losik asked about the trees along the east border.

Mr. Smith explained there will be 25ft to the right-of-way. It looks like about 50ft of tree line will be maintained.

Planning Administrator Reed asked if they will be retaining a tree buffer between this property and Bob Seiner's property.

Mr. Smith stated that trees will be retained to an extent. There is some additional grading that will go beyond where Mr. Seiner's house sits so it will be a little thinner to the property line.

Member Losik pointed out that in between Lots 11 and 12, walking over to Mr. Seiner's property, at that point it will be open.

Mr. Smith commented the tree buffer is very close because of the grading.

Planning Administrator Reed asked if the stonewall is staying as a boundary.

Mr. Smith confirmed that the stonewall is a property boundary and cannot be removed.

Mr. Seiner commented the road going in is going to be above existing grade because of the ledge.

Mr. Smith confirmed.

Mr. Seiner asked how the water shed will be handled so it does not drain towards his house.

Mr. Smith explained there will be roadside swales that will actually take the water into a culvert and into a manhole further down which will outlet in the back.

Mr. Seiner asked if everything will be underneath the road.

Mr. Smith replied that it is in the ditch next to the road.

Mr. Seiner asked if the ditch line is within the 50ft buffer that needs to be maintained.

Mr. Smith replied that it is all within the right-of-way.

Mr. Seiner asked if this was 50ft away from the property line.

Mr. Smith stated it does not have to be 50ft away from the property line.

Chairman Epperson commented it has to be 20ft.

Mr. Smith replied that is about what it is. He noted that it gets wider in some areas and it goes to about 25ft. He noted there is an additional 13ft before the roadbed.

Member Losik clarified that a swale is going to move the water to the north.

Mr. Smith explained that the swale is going to move the water to a pipe that will move the water to the north.

The site walk continued on the subject property past Robert Seiner's property.

Robert Seiner pointed out the corner of his property (approximately where the two stonewalls meet, about 13ft from the right-of-way based on the drawing.) Mr. Seiner noted the change in elevation.

Member Losik asked how the bedrock on the east side of the roadbed will be dealt with.

Mr. Smith stated that he believes the designer has dealt with that by elevating the road through that area. That is why there is a vertical curve and a high point. If any bedrock needs to be removed it will be hammered out. He continued that he thinks the way this got designed it is not an area where rock is being anticipated to be removed. That is why the road is brought up.

Mr. Seiner stated it needs to be verified how they are going to build the road through this area. If it is going to be jackhammered, he is not sure that is possible. He does not know what it's going to do to the surrounding area. The road comes up high. There will be more watershed.

Mr. Smith explained the water will be collected directly off the shoulder in a swale. That is how it is designed.

Member Lord asked where the underdrain starts.

Mr. Smith replied the underdrain starts around Station 100 and daylight into the manhole at Station 450.

Member Losik asked if they could move to the backside of Lot 12, in the location of the Designated Leaching area (DLA).

The group continued towards Lot 12. The ledge croppings to the left of Lot 12 were noted. The group continued onto Lot 12 to review the ledge probes. The group continued to look for the stakes with pink ribbons, marked with DP (Dennis Plant, septic consultant for Rye), specifically looking for Test Pits 21 and 22 that are in the DLA for Lot 12.

Planning Administrator Reed pointed out LP-20-JN (Joe Noel, Soil Scientist consultant for Rye). She pointed out LP-21-JN.

The site walk continued. Test Pit 22 was pointed out. The group continue the walk. Test pit 21 was pointed out.

Member Losik noted that they are pointing out the shape of the DLA on Lot 12, which is the DLA with the waiver request. They are also looking at Test Pit 21, to the south, and Test Pit 22, to the north.

Referring to the drainage ditch to the manhole, Selectman Winslow asked where the flow ends.

Mr. Smith explained it outlets to the roadside swale in a riprap sump. The water gets conveyed down to the cul-de-sac and ultimately out to treatment at the bio-retention pond.

Selectman Winslow clarified there is treatment.

Mr. Smith confirmed.

The site walk continued back towards Mr. Seiner's property and along the center line of the proposed road for the subdivision. (Walking along the woods road towards Lot 9 to review the drainage easement, which goes into the wetlands to the eastern boundary of the site.)

Referring to the discussion about the 50ft right-of-way, **Shelly Patrick, 410 South Road**, noted that at the center line 3+0, she measured the center line to the stonewall near Bob Seiner's and it was 47ft.

The site walk continued along the woods road towards Lot 9, passing Lot 10 towards the east and Lot 13 towards the west. It was noted that 500 is the border between Lots 11 and 13.

Mr. Smith noted that the proposed road has moved about 70ft from the original design (in the area that the group is walking). The center line is marked in red (new design.)

Member Losik noted that the group is approaching Station 700, which is approximately between Lots 13 and 14.

Selectman Winslow asked if the terminus for the drainage water could be pointed out.

Mr. Smith pointed out that the drainage hole is at about 450. The pipe daylights at about 775. It is then conveyed under the road to a westerly drainage swale and goes into a sump at the intersection.

The group continued to walk to Station 800.

Mr. Smith stated that halfway between the stakes (pointing out two stakes), the pipe outlets to the east side of the road through a culvert, under the west side of the road and towards the intersection towards Stoneleigh Way and Francis Path. The outlet starts at about Station 775.

The site walk continued on towards Station 900.

Referring to the plan, Member Losik pointed out the south border of the drainage easement on Lot 9. She also pointed out the end of Francis Path. She asked Mr. Smith to review how far the drainage easement goes, as it looks like it is up against the wetlands. Traveling along the drainage easement, it is going right into the wetlands.

Mr. Smith stated that is a 'No Cut' easement. The idea is that it gets level spread at the downstream end of the plunge pool, which is the outlet of the culverts. It then runs over land in a sheet flow condition through the existing vegetation.

The site walk continued towards the wetlands.

Mr. Smith pointed out Test Pit 46. He explained this is where the outlet will be created, the level spreader, the water sheet flows down and the area will be protected from cutting.

Member Losik asked what will happen to the topo.

Mr. Smith replied nothing.

The group walked back to the center line of the proposed road towards Lot 8 (to review the bio-retention). The group was looking for Test Pits 45 and 45A to determine the location of the edge of the cul-de-sac.

****Break in tape***

The site walk continued.

Planning Administrator Reed pointed out LP-5-JN.

The group walked to Lot 8 and gathered at the location that would be behind the proposed house for Lot 9. The house will have a slab elevation of 58 and a sill of 66. The bio-retention pond is located 50ft out from this point.

The group continued the site walk; leaving Lot 9, back to the cul-de-sac, following the center line of the road, heading west. The group continued back to Station 900 to start cutting across the property. The group continued west from the cul-de-sac.

An abutter stated that the definition and the locations of the wetlands and vernal pools were all determined last fall, after a pretty bad drought. It is now back to normal conditions. It seems that the boundaries should be identified and relocated because they have probably changed.

Jim Gove, Gove Environmental Services, explained that the wetlands are not defined by hydrology, per se. They are defined by a dominance of wetland vegetation, a preponderance of hydric soils and evidence of wetland hydrology. That does not change throughout a season, whether it is dry or not dry. The area was flagged last spring and reviewed by the Rockingham County Conservation District, who looked at exactly the same features. They are confident that whether it is a wet spring, or a dry spring, it does not matter. The boundaries are where they are. He noted that Mark West (consultant for the Town) checked the vegetation and Joe Noel (consultant for the Town) checked the soils.

Chairman Epperson pointed out that there were a couple of modifications based on their review.

Mr. Gove confirmed. A couple of flags were repositioned.

The site walk continued along the woods road towards Lot 15. After passing Lot 15, the group continued on and gathered at Lot 5.

Mr. Smith pointed out the area for the drainage easement. He also pointed out the DLA.

The group reviewed a wetland area on Lot 15 and onto Lot 6.

Member Lord noted that the center line of the road goes through a big boulder and a small boulder. The wetland is on the other side of the road and comes all the way down through. It seems that a stream runs through here. He cannot believe the area is not marked one way or the other.

Mr. Gove explained that the area does not have hydric soils. The whole area was reviewed by Mr. West and Mr. Noel to see if the area met the jurisdictional criteria. If it does not have hydric soil, the only other

way it could be a jurisdictional area is if in fact it had a defined stream channel where the vegetation was removed down to a substrata (scoured channel). That is not the case here. He pointed out that right now is mud season and there will be a lot of places with water that are not wetlands.

Ms. Hodsdon stated that she heard on the news that there are going to be more frequent and bigger storms that need to be planned for. She asked the saturation point of the culvert to the land.

Mr. Gove explained the Department of Environmental Services took a study that increased the amount of water that is seen in the most recent storm events. That has actually been mandated for civil engineers to use that in their modeling. The drainage structures are actually larger than what they would be five years ago.

Mr. Smith noted that the stormwater treatment structures, in the Town of Rye, are designed for the 100 year storm, which are for storms between 9 and 10 inches.

Member Losik stated that they would like to have Mr. Noel and Mr. West weigh in on this issue.

The site walk continued towards the gravel wetland on Lot 4.

Mr. Smith pointed out the gravel wetland area. He noted that it goes almost all the way to the western stonewall.

The group continued to walk in the direction of Lot 2 to review the driveway crossing. The area of wetlands that start at Lot 3 and moves onto Lot 2 was pointed out. The group followed the wetlands along the boundary wall of Carol Menard's property.

**Tape was inaudible from 39:53 to 1:06:04.*

Planning Administrator Reed noted that the group is looking for the 100ft marker from the vernal pool. There is to be no development within 100ft of the pool.

The group gathered at Station 350.

Member Losik pointed out this is the area that Doucet certified to be 102ft from the edge of the road to the edge of the vernal pool. She also pointed out that the drainage easement comes in between Station 250 and 200.

Carol Menard, 495 South Road, stated that when they were on a site walk in November, the edge of the wetland was the pink flag at the edge of the trees. There is 15ft plus of new high water. She asked about the wetlands and the vernal pool being one body of high water. That pushes the buffer further.

Mr. Smith commented the area has been surveyed and certified. The placement of the flags is based on the survey. He noted that the setback is 75ft from the wetlands.

Ms. Menard stated the vernal pool is much larger now. That is the norm, as it is currently not in a time of severe drought.

The group reviewed the wetland buffer area and the vernal pool.

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Member Lord measured from the vernal pool to the center of the road; which was 19.6ft.

Planning Administrator Reed commented that maybe they can ask Mark West or Joe Noel to confirm the measurements.

The group continued the walk behind the Svihovec's property, still on Lot 2. The group was looking for the drainage easement.

Mr. Smith explained there will be a pipe under the road that drains into a plunge pool, which is basically a riprap sump. There will be a level spreader and the water will drain down towards the wetlands.

Member Losik clarified that the water will be taken from the roadway and into the wetlands.

Mr. Smith confirmed it is into the buffer.

Member Losik reiterated that the water from the road goes right into the wetlands and right into the vernal pool. She asked the distance from the road to the edge of the wetlands.

Mr. Smith explained that 75ft is going to be right about where the level spreader is going to be located.

Member Losik noted that it is about 10ft.

Mr. Smith agreed.

The site walk continued from Lot 2 going towards Lot 1; looking for where the proposed road accesses South Road.

Member Losik pointed out monitoring well 1.

The group continued onto Lot 1 to the area of the backside of the vernal pool.

Ms. Menard stated that next to the barn is a test pit, or some sort of post. The water since mid-March has been flowing across the road into the vernal pool. This area was at grade for most of the spring so far, (where the log bridge was built).

Mr. Falzone stated this is not correct. He visits the site every week. That is a misstatement and is not true.

Speaking to Ms. Menard, Chairman Epperson asked if she is saying the stream comes out from the barn.

Ms. Menard stated it crosses the road and goes into the vernal pool.

Member Losik noted that the Planning Board received an abutter letter with pictures. She asked for clarification.

Ms. Menard pointed out the areas in the photos. (Photos were taken between April 8th and May 7th from Carol Menard's property.)

Member Lord stated the water might be running across; however, it is not now. None of that area is supposed to be developed. He asked about the concern.

Ms. Menard noted that the water starting at the test pit (near the barn) and flows across the road. The water has been on the surface of the road for three months. She continued that the road was put in between the logging operations in 2013 to 2015. The road was built, the bridge was built and the area was filled. During that time, this area has all been raised. Gravel and fill has been put down along the road because tractor trailers trucks drove down in there and turned around on the landing, which was constructed as well. The original logging operations in the 1990's, used a skidder only; no chipping and no tractor trailer trucks. The logger brought out one tree at a time, made a pile of logs and then called for a truck to get the logs. In 2013, the area was filled so tractor trailer trucks could cross the bridge, turn around and go back out front ways. There were two trucks; one for chips and one for logs.

Mr. Falzone asked what this issue has to do with anything that he is building.

Ms. Menard stated this was the logging that was done just previous to this project being started. The owner is benefiting from leaving the road in.

Member Lord commented the area is not wetlands. The area has already been mapped. It could very well be wet; however, he does not think it is a wetland.

Ms. Menard stated that she is saying it is wet and has historically been wet.

Speaking to Ms. Menard, Member Losik asked if she is concerned about flooding in this area.

Ms. Menard replied that she is concerned about the house and septic system. It is being represented as dry land and historically it is not dry land.

Chairman Epperson asked for clarification of the wetlands where they are delineated right now.

Mr. Gove pointed the area out on the property.

Chairman Epperson asked for the elevation differences between the two sides of the road (either side of the restoration portion of the road). He continued that if it is lower on one side and it is all restored, the water that runs across probably would not flow the way it was described (by Carole Menard) in March and April.

Ms. Patrick stated that historically as a child, and as a young woman, her father used to help to maintain the property. She used to skate across this long section, as it was a pond. The road has cut the pond off and has changed the demographics of this area.

Referring to Station 350, Member Losik stated that it was said that it was not sure where the center line is; however, the documents from Doucet Survey show that the center line has been surveyed located.

Mr. Smith stated the center line of the right-of-way, not center line of the road, errs to the east. There will be a couple of extra feet of right-of-way.

Mr. Falzone commented that flags and stakes have been moved on the property. The Building Inspector has been to the property and verified this.

Chairman Epperson stated that if the Building Inspector has verified this information than the stakes have been moved. He does not like it and it is not fair. He commented that he will verify this information with the Building Inspector.

The site walk continued out towards the parked cars for completion.

- **Board of Adjustment will hear the application on June 7th, 7:00 p.m., at the Rye Junior high.**
- **Planning Board will hear the application on June 13th, 7:00 p.m., at the Rye Junior High.**

Adjournment

Motion by J.M. Lord to adjourn the site walk at 6:35 p.m. Seconded by Phil Winslow. All in favor.

Respectfully Submitted,
Dyana F. Ledger

















