

**TOWN OF RYE – PLANNING BOARD
MEETING**

**Tuesday, July 19, 2022 – 4:00 p.m.
Site Walk – 850 Washington Road**

***PB Members Present:* Chair Patricia Losik, JM Lord, Steve Carter, Rob Wright, Bill MacLeod and Selectmen's Rep Bill Epperson**

***Others Present on behalf of the Town:* Town Counsel Eric Maher, Planning/Zoning Administrator Kim Reed and Hydrogeologist Danna Truslow**

***Present on behalf of the applicant:* Charles Fast, property owner, and Paige Libbey, Jones & Beach Engineering**

Business:

Major Subdivision Plan and CUP by Jones & Beach Engineering on behalf of Marlene Veloso and Charles Bass for property owned and located at 850 Washington Road, Tax Map 11, Lot 130, to subdivide the parcel into three lots and a road. **The property is in the Single Residence and Aquifer and Wellhead District. Case #11-2022.**

Chair Losik called the site walk to order at 4:00 p.m. She noted that the site walk was discussed at the Planning Board's meeting on June 14th. The intent of the site walk is to look at the proposed road, cul-de-sac, corners of the proposed 2,400 s.f. homes, DLA's, test pits and bioretention area. Since the Board met on June 14th, department head information has been received from Arik Jones, Rye Water District, in regards to irrigation. The Board has also received fertilizer guidance from Danna Truslow, as the property is located in the Aquifer and Wellhead District. She turned the site walk over to Paige Libbey from Jones & Beach Engineering.

Ms. Libbey noted that since the last meeting with the Board, Verdantas has been engaged to do the hydrogeology study. Dave MacLean has been in touch with Danna Truslow about the scope of that work and will be starting the process.

Ms. Libbey led the group to the location of the orange stake, just beyond the stone wall, marking the edge of pavement on Washington Road. She noted this is the center line for the new road for the subdivision. The road will come into the property and go to the left in order to go around a depression point in the land. The intent is to work with the natural topography of the site, so the road will go around the depression. The location of the road into the subdivision was chosen based on the best line of site onto Washington Road.

Planning Administrator Reed noted that one of the abutters had spoken to her about his concerns with regard to runoff being created by the new road. The neighbor wants to be sure that runoff is not going to be increasing onto his property. She wanted to report this information so it can be taken into consideration for the hydro study, engineering work and legal concerns.

Chair Losik pointed out that the first round comments on the drainage have been received from Steve Harding, Sebago Technics.

Member Carter asked why the proposed road for the subdivision is not opposite the driveway across the street.

Ms. Libbey explained that the location was chosen for site distance reasons when looking left and right down Washington Road. That location works best in order to get the best site distance. She noted that the site distance is 237 in each direction, which is the required distance. The calculations are based on the slopes in the road, as well as the speed limit.

Administrator Reed asked if the total number of trees being removed is noted on the plan.

Ms. Libbey replied that they don't have a total count yet. The trees in the front area that will be removed are labeled on the plan.

Administrator Reed asked if there will be features in place to protect the remaining trees.

Ms. Libbey confirmed that there are notes on the landscaping plan in regards to protecting the remaining trees.

There was some review of the plan showing the trees to be removed, mostly due to the proposed road and site distance.

Ms. Libbey led the group down the center line of the proposed road. She noted that the group was standing 100ft from the tie in point on Washington Road. She then pointed out the location for the proposed bioretention area, which is located through the trees in the depression area. The bioretention will be lifted slightly from the existing elevation. On the back side of the bioretention, it will slope back down to the bottom with a gradual drop off.

Attorney Maher asked if fill will be needed for the bioretention.

Ms. Libbey explained that the fill will really be bioretention materials, as there are different courses that are used; stones, filter course for treatment, mulch and plantings. The bulk majority of the materials will be from the bioretention.

Danna Truslow, Truslow Resource Consulting, asked if there is a swale beyond the depression at the back end of the feature.

Ms. Libbey explained that as it is shown on the plan, the depression goes right onto the abutting property and continues.

There was some discussion about how the existing tree line goes along the edge of the proposed bioretention. Once the bioretention is completed, the trees will be behind the feature and there will be approximately 20ft of trees remaining up to the abutting property line.

After scaling out the plan, Alternate MacLeod noted that the distance is about 15ft to the property line.

Ms. Libbey commented that once the bioretention is complete and it's graded in that area, they can certainly revegetate along the backside.

Alternate MacLeod asked if there could be some consideration to having the bioretention longer and narrower, so there can be more of a buffer to the abutting property.

Ms. Libbey confirmed that she will look at that idea.

Alternate MacLeod commented that it could double the buffer to the lot next door.

Chair Losik stated this is a good idea. There has been a lot of discussion about 15ft and 20ft not being much of a buffer. It doesn't really feel like a buffer until it's at 40ft or 50ft., especially when starting with a thick natural buffer.

Attorney Eric Maher asked who is proposed to maintain the bioretention.

Ms. Libbey replied the homeowners' association. She led the group to the location of station 200, which is 200ft to where the road ties into Washington Road. She noted that the bioretention area is proposed to be between station 100 to station 200, at this time. However, she will look at the possibility of it being longer and narrower.

The group continued the site walk to the location of station 300, still staying along the proposed center line of the road. Ms. Libbey pointed out on the plan that station 300 is just at the beginning point of the cul-de-sac. She also pointed out the location of the stonewall on the plan. The cul-de-sac is beyond the stonewall, which is just beyond station 300. Ms. Libbey led the group to station 400. She walked to the location of where the cul-de-sac breaks to the right and left. The group continued the site walk to the location of the proposed lots on the cul-de-sac. They stopped at the front corner of the potential leachfield area for the third lot. Ms. Libbey pointed out the stakes for the lot.

Attorney Maher asked if the septic is proposed to be a mounded system.

Ms. Libbey explained that what is depicted is the 4,000 s.f. reserve area. However, based on the soils, it will likely need to be mounded. She led the group to the location of the test pits. The group continued the site walk to the stakes marking the front right corner of the proposed home. Ms. Libbey noted that the footprint is 40 x 60. The Board reviewed the closest corner of the proposed home to any abutter, which is approximately 100'. Ms. Libbey pointed out the cul-de-sac location when looking towards it from the house.

Selectman Epperson asked if ledge was found.

Ms. Libbey replied that they did find ledge in some areas. Some of the test pits in this area were not able to be used because of the ledge.

Reviewing the plan, Chair Losik pointed out that the height of the road in this area is 198.

Vice-Chair Lord noted that if the ledge is going to be removed, the road is going to be up higher than what is shown on the plan.

Ms. Libbey confirmed there are some areas where the ledge is going to need to be taken out. She pointed out the location on the plan (Station 500).

Administrator Reed commented that the plans that go to Steve Harding should reflect the ledge.

Vice-Chair Lord noted that there is more ledge on this property than what is shown.

Ms. Libbey stated that they can locate the rest of the missing ledge on the site to show on the plans. She led the group to the stake marking the building envelope for the home.

Chair Losik asked the plan for the ledge in that area.

Ms. Libbey stated that they didn't have this ledge pocket located. The house location can be tweaked in order to avoid ledge, if possible.

Chair Losik clarified it would be moved back and more trees would be taken.

Ms. Libbey pointed out there is a lot of space towards the back of the properties. The house can be shifted back and still have plenty of space for a vegetative buffer.

The group walked to the location of the stonewall. It was noted that the stonewall is the rear lot line. Ms. Libbey pointed out the orange and blue stakes marking the property lines between the proposed lots. The walk continued to Lot 130-1 for the Board's review.

Ms. Libbey noted that it seems some of the ledge outcrops are missing on the plan, so those will need to be added.

Charles Fast, applicant, stated that the intent is to preserve the trees between the two lots in the buffer zone. In front of the trees there will be a lower level of understory planted to help visually shield the house.

Referring to the plan, Chair Losik noted that the houses are about 130ft apart.

Ms. Libbey confirmed that a landscape architect will be engaged to prepare a landscape plan.

Mr. Fast noted that he spoke with the neighbor, Ben Wheeler. Mr. Wheeler said that as long as they leave the trees and do the understory, he's fine.

The group walked to the location of the back of the proposed home on the second lot to the southwestern corner for the proposed structure for Lot 130-1. Ms. Libbey pointed out the flag marking the leachfield area. She also pointed out the northwest corner of the proposed home. The site walk continued to the lot line along the neighboring parcel. The group reviewed the back of the leachfield location and the location of the front of the house. They also walked to the location of the test pit #24 to review and then on to test pit #8. A shed seen near the property was confirmed to not be located on the parcel being subdivided, but on the neighboring property. The group walked to the lot line between Lot 130 and Lot 130-1, and also viewed the lot line between 850 Washington Road and Ben Wheeler's lot. The site walk continued back to the front of the parcel towards Washington Road.

After gathering, Alternate MacLeod noted that the Land Development Regulations require two test pits per leaching area. It would probably be best if two areas were found with two test pits over 75ft and work from that. It looks like it's going to be a challenge to find two locations that are 75ft from ledge. If the application is going to continue to September, it may be something for Jones and Beach to prioritize because it's really going to drive the rest of the subdivision.

Ms. Libbey agreed.

Alternate MacLeod pointed out that DES standards are less than Rye's LDR.

Chair Losik pointed out that Ms. Libbey was saying that DES might allow test pit #8 to qualify, but that's not Rye's standards.

Ms. Libbey agreed. She also agreed to prepare a test pit log for the Board's review.

Chair Losik noted that the Planning Board doesn't have a clear understanding of when the test pits were done and who witnessed them. This would be a good information for the Board. She pointed out that a waiver might need to be considered for the timeframe for when they were done.

Referring to the bioretention area, Ms. Truslow asked if a mounding analysis was done to figure out the groundwater distribution.

Ms. Libbey replied they did not. However, she believes this is something that Dave MacLean has included in his scope of work.

Ms. Truslow commented that originally the applicant didn't think it would be necessary. However, they have to look at the test pits that exist, and also look at what was done at Marjorie Way, and how close the drinking water wells are. She continued that Mr. MacLean is planning to do a file review on Marjorie Way for more information. She noted that the ledge probes are really important in order to understand where the ledge is really located. Speaking to the applicant, Chair Losik asked if there is irrigation on the property at this time.

Mr. Fast replied no. The property is not on Rye Water at this time.

Vice-Chair Lord stated that he agrees with Alternate MacLeod. What they really need to do is a whole series of ledge probes to find out where all the ledge is located. Then the septic systems could be sited and then the homes.

Chair Losik commented the Board appreciates what is being done with the buffer to preserve as much as can be preserved.

Concerns and issues to be addressed include; ledge probes, test pits, layout of DLA's, the possibility of narrowing the bioretention area, and hydrogeology.

Motion by JM Lord to continue the application for 850 Washington Road to the September meeting. Seconded by Bill Epperson. All in favor.

Adjournment

Chair Losik adjourned the site walk at 5:08 p.m. All were in favor.

Respectfully Submitted, Dyana F. Ledger