

**TOWN OF RYE – BOARD OF ADJUSTMENT  
SITE WALK  
0 Merrymeeting Lane  
Saturday, January 16, 2021  
9:00 a.m.**

***Members Present:*** Chair Patricia Weathersby, Vice-Chair Shawn Crapo, Gregg Mikolaities, Patrick Driscoll and Chris Piela.

***Present on behalf of the Town:*** Planning/Zoning Administrator Kimberly Reed and Conservation Commission Members, Suzanne McFarland, Sally King, Mike Garvan, Susan Shepcaro and Danna Truslow.

***Present on behalf of the Application:*** Applicant Denise Benson, Attorney Tim Phoenix, Architect Bob Baskerville, Soil Scientist Jim Gove, Landscape Architect Robbi Woodburn,

**I. Applications before the Zoning Board:**

- 1. Craig & Denise Benson, Trustees, K&L Realty Trust for property owned and located at 2 Merrymeeting Lane, tax Map 15, Lot 18 request a special exception pursuant to §190.3.1H.2(f) and §190.3.1.G(2) for a driveway in the wetlands buffer. Property is in the Single Residence District and Wetlands Overlay District. Case #45a-2020.**
- 2. Craig & Denise Benson, Trustees, K&L Realty Trust for property owned and located at 2 Merrymeeting Lane, tax Map 15, Lot 18 request variances from §190-3.1 H.2(a),(b),and (g) for a new house with an eave 14.1', a wall 17', a septic system 66' and a pervious driveway 15' from the wetlands where 100' is required and from §190-3.1 H.2 (e) for cutting trees greater than 4.5" in diameter within the wetland buffer; and relief from Building Code §35-14 B(2): D (1) for a septic system 66' from the wetlands where 75' is required. Property is in the Single Residence District and Wetlands Overlay District. Case #45b-2020.**

**The group gathered for the site walk at 0 Merrymeeting Lane. Chair Weathersby opened the site walk at 9:00 a.m.**

**Attorney Tim Phoenix, representing the applicant, introduced his team: Bob Baskerville from Bedford Design Consultants and Jim Gove from Gove Environmental. The site walk was turned over to Mr. Baskerville.**

Mr. Baskerville opened by pointing out the stonewall and test pit at the front of the lot. He also noted the trees marked with a purple flag are the trees that would be cut. The lot was staked with pink flags showing the location of the proposed home. Yellow ribbon was used to show the outline of the house. He pointed out the white stakes, which represent the edge of the garage,

and the blue stakes representing the edge of the screened porch. He led the group to the backside of the proposed home location.

Once the group gathered to the back of the proposed home location, Mr. Baskerville pointed out the most critical corner of the house, as it is the closest point to the wetland. He noted that the first floor will be one level up and the basement floor is only about 6" to 9" above grade. There will be no walkout to the back, so grading and fill will not be necessary. The back area will remain as a gentle slope down to the wetland. He explained the eave of the house will be 2' out from the foundation. There will be 3' to 3.5' of stone from the house out. Centered under the eave line will be a trench below the stone. The trench will go about 3' down and be 18" wide filled with course stone with gaps in it. The trench is designed for a 50-year storm. The trench will take all the water so there is no over land flow. All of the stormwater will be infiltrated back into the ground.

Note: The proposed location for the generator and pad was pointed out.

The site walk was turned over to **Jim Gove, Gove Environmental**. Mr. Gove led the group into the location of the first jurisdictional wetland, which runs east to west. He pointed out the double flags marking the wetland. He noted there are Oaks, Pines and Red Maples in this area. There is not a lot of strong hydrology in this area. He led the group to the area located behind the upland island, which lies between the first and second wetland area.

Once the group reached the second wetland area (Wetland B), Mr. Gove noted that this area has a very different plant community. It is an area that is saturated (ponded) a great deal of the time. It has very poorly drained soils, as opposed to poorly drained soils in the first wetland area (Wetland A). The density of the vegetation is very different from the area in the front (Wetland A). For those reasons, it has different functions and values from the area in the front. The area in the front has less function and value because it does not have the same hydrology and soils, nor does it have the same dense plant community.

Member Driscoll asked the distance from the secondary wetland to the edge of the generator and foundation.

Mr. Baskerville replied it is 115' to the corner of the house and approximately 110' to the generator.

Mr. Gove led the group to the location where the wetland starts that lies between the property and the abutting property. He noted that the wetland probably goes right up to the edge of grading on the abutting property (Rogers property). He commented that there may be a little bit of an upland between the applicants' property and the abutting property; however, he is not sure as he has not gone onto the abutting property. The wetland boundary continues towards the road. He pointed out a channel that directs water to the north towards Wetland B. He explained this is a much different wetland from what they just saw. It has a much less dense understory, poorly drained soils and less of a plant community; however, the area is denser along the abutting house

than the area towards the other abutter. Mr. Gove stated that one of the things they were discussing is some kind of plantings. He pointed out that when the abutting house was built, it opened up that area of understory such that it is now able to support a lot denser vegetation, which is more conducive for wildlife as well as hydrological impacts (taking up the water).

Mr. Baskerville pointed out to the group the location of the property line. He noted the proposed home is tucked up as far into the corner as possible in order to not be within the setback. He also pointed out the stakes representing the clearing line. Mr. Baskerville explained that the screened porch on the back of the house will be open underneath. The only outside door to the back will be under the porch. There are no doors that lead out to the back of the house. The porch is elevated 8' high, but there are no steps from the porch down to the backyard.

It was noted that the entirety of the first floor is essentially sitting on top of the basement level. The first floor only connects to the road by the new grade that is created by the top of the septic leachfield. The basement door is the only access from the house to the backyard.

**Mike Garvan, Conservation Commission**, asked how many trees will be taken out. He asked what the affect will be of those trees not being on the property to take up water on the wetland.

Mr. Gove replied there are going to be 93 trees that will be taken out that are 4.5" or larger. The majority of the big DBH (diameter at breast height) is associated with the large pines of over 10" DBH, which are towards the front of the lot. Moving from the front of the lot to the back, there is a different plant community. In the front, there are Oaks and Pines. Moving towards the back of the lot, there are more Beech and Red Maple. He reiterated that the majority of the big trees that will be removed are at the front of the lot. Mr. Gove pointed out that there is not a tremendous number of shrubs in the area. He proposed that they create a shrub border around the property and native species. Planting native species at the edge of the wetland is allowed without having any dredge and fill. These will be done by hand. He thinks this will enhance the buffers around the area. The density of shrubs will not necessarily take care of all of the hydrology that is coming up, but it will certainly enhance the hydrology uptake in the immediate area.

Mr. Gove further explained that when a mature span is opened up, it gives an opportunity for sunlight to come in and it will naturally get thicker. However, they do not have to wait for that to happen. They can enhance the understory. In particular, he suggested going with some of the tough wildlife-oriented species that would do really well in this area; such as, Hybrid Blueberry and Winterberry Holly. Those species have a seed source that is a draw for wildlife. It would be a good enhancement for this lot.

Mr. Baskerville clarified that Mr. Gove has suggested that the landscaper do plantings in the edge of the wetlands to enhance the wetland itself. The applicants have also hired Landscape Architect Robbi Woodburn to do a planting plan for the whole lot. She has suggested putting in some native species and ferns in between the clearing and wetland flag (uphill of the wetland line). This will help to enhance the wetland and increase drainage.

The group reviewed the map presented by Sally King from the Conservation Commission. It was established that part of the land the group is observing is within the priority flood storage area.

Mr. Baskerville noted that the puddles on the lot act as flood storage. Back into the main part of the Berry's Brook Watershed, there is also flood storage. He commented they are not touching the wetland at all, so that will not change.

Mr. Gavan, RCC, stated that the flood storage area is being touched because the house is going where there are 93 large trees.

Mr. Baskerville explained that flood storage is where water is stored so it does not impact downstream. All the water coming down from the house will be infiltrated back into the ground, so there will no be change in the hydrology down to the wetland area.

**Danna Truslow, RCC**, explained that the flood storage is in the lower areas, right now. One thing to remember is all the forest litter (fallen leaves and brush) is also absorbing water. It is one of the reasons it does not appear to be all that impacted right now on a rainy day. The forest layer is acting as a sponge and slowing down the flow. All the forest litter will be taken up. There will be some compensation from the plantings; however, she is not certain it would replace the value of the forest litter that builds soil and adds to the flood storage. Mrs. Truslow further explained that the area where they are standing is very close to the wetlands, so it is acting as a buffer. The reason there is a wetland buffer is to prevent the disturbance on the ground between a structure and the wetlands itself.

Mr. Baskerville stated that water coming down the slope from the house hits Wetland B and then splits around the wetland. The actual path of water from the house to the wetland is more than 115' because it goes around the wetland.

Mr. Gove spoke once again about the differences in soils and vegetation between the different wetlands on the property.

Hearing no further questions from the group, Chair Weathersby adjourned the site walk at 9:36 a.m.

Respectfully Submitted,  
Dyana F. Ledger