

TOWN OF RYE – BOARD OF ADJUSTMENT

Wednesday, February 7, 2024

7:00 p.m. – Rye Town Hall

Members Present: Gregg Mikolities, Patti Weathersby, Chair Shawn Crapo, Chris Piela, Vice-Chair Patrick Driscoll

Also Present on behalf of the Town: Planning/Zoning Administrator Kim Reed

I. CALL TO ORDER

Chair Crapo called the meeting to order, led the Pledge of Allegiance, introduced board members, and outlined meeting procedures.

II. BUSINESS

Motion by Chris Piela to continue the application by Michael Anderson for property owned and located at 117 Washington Road to the March 5, 2024 meeting. Seconded by Patrick Driscoll.

Vote 5-0-0 (G. Mikolities, P. Weathersby, S. Crapo, C. Piela, P. Driscoll in favor)

Motion by Chris Piela to continue the application by Ed Farley for property owned and located at 472 Wallis Road to the May 1, 2024 meeting. Seconded by Patrick Driscoll.

Vote 5-0-0 (G. Mikolities, P. Weathersby, S. Crapo, C. Piela, P. Driscoll in favor)

Motion by Chris Piela to continue the application by Elements 9 LLC for property owned and located at 14 Sagamore Road to the March 5, 2024 meeting. Seconded by Patrick Driscoll.

Vote 5-0-0 (G. Mikolities, P. Weathersby, S. Crapo, C. Piela, P. Driscoll in favor)

Motion by Chris Piela to continue the application by Mark C Epply for property owned and located at 267 Brackett Road to the March 5, 2024 meeting. Seconded by Patrick Driscoll.

Vote 5-0-0 (G. Mikolities, P. Weathersby, S. Crapo, C. Piela, P. Driscoll in favor)

Approval of Minutes - December 6, 2023

- Correction to page 12, “some where”

**Motion by Patrick Driscoll to approve the December 6, 2023 minutes as amended.
Seconded by Chris Piela.**

Vote 3-0-2 (S. Crapo, C. Piela, P. Driscoll in favor; G. Mikolities, P. Weathersby abstained)

III. APPLICATIONS

- 1. 444 Owls Revocable Trust, Alexia Leddy, Trusty for property owned and located at 154 Washington Road, Tax Map 17, Lot 15 requests variance from §190-2.3.C(5)(2) for lot coverage of 23.8% where 15% is allowed; and waiver relief from the Building Code §35-14.C(1) and (2) for an effluent system 3' to ledge where 6' to ledge is required and for Estimated Seasonal High Water Table 2' where 4' is required. Property is in the Single Residence District. Case # 62-2023.**

Attorney Monica Kieser of Hoefle, Phoenix, Gormley & Roberts presented the application on behalf of the applicant, **Alexia Leddy**, who was also present, and introduced **Bruce Scamman** of Emanuel Engineering.

Attorney Kieser gave an overview of the property, noting that the lot is 32,000 square feet and has an older house with a large, circular driveway with a single-car garage at each end. She explained that the applicant established an ADU in the house for her parents last year. As part of that process, she got an updated septic plan approved by the state, and a septic permit from the town in 2021, which is only good for one year. She's now trying to improve her side of the house and is looking to expand. Referring to Exhibit A, Attorney Kieser described the proposal to place a front porch in an area where the existing is crushed stone, pavers, and landscaping and also to expand the left side of the house.

The board discussed the ADU and septic system permitting process.

Mr. Scamman explained that he did an existing conditions survey and described the findings. The proposal includes an expansion to put another bay on the garage, an enclosed area on the front entrance, a porch across the front of the house, and living space above the garage. He provided pre and post-development numbers. He described the proposed stone bed wrapping around the garage and pavement with a full treatment system below. He explained that the overall drainage study shows a reduction in volume and flow.

Chair Crapo observed that it appears there is a wetland in the rear yard and wondered if the proposal is a safe distance from that.

Mr. Scamman stated that the wetland must be off-site as the area they're working in is all outside 100' of the wetland. He explained that there is a drainage pipe, which is why they need elevation.

Chair Crapo asked if the house is outside the 100' setback.

Mr. Scamman stated that he never did a wetlands delineation for the off-site wetland.

Member Weathersby asked for more information about the drainage pipe.

Mr. Scamman explained that the drainage system is constructed from stone and sand with a 4" pipe. When water doesn't infiltrate the overflow will bubble out. He explained that it's there for pressure relief on the drainage system.

Member Weathersby asked if overflow runs off the lot and whether there is a rain garden.

Mr. Scamman stated that the overall flow at the outlet point is a reduction in flow.

Member Mikolities observed that the septic system had to be built up because the soils aren't great and the underdrain system is only 18" deep. He asked Mr. Scamman whether he was concerned about frost or the pipe freezing.

Mr. Scamman stated that he's not concerned because water is flowing through the pipe and out, never above the pipe where it would be exposed to frost.

Member Mikolities asked how much impervious would be added to the site. Attorney Kieser stated that it would be going from 21.5% to 23.8%

Member Piela asked if there is a rain garden or catch basin to keep the water on the property. Mr. Scamman stated that there is not because this drainage structure is where all treatment would take place. In storm events, some water would come out of the pipe.

Chair Crapo described the difference between overflow and underflow and asked if it's an overflow of the underdrain. Mr. Scamman confirmed and described the proposed drainage and treatment system.

Member Weathersby asked whether the pipe was perforated. Mr. Scamman confirmed and described the process of the drainage system.

Member Weathersby requested that they address the septic 3' to ledge. Attorney Kieser explained that the previously approved septic system was not designed by Mr. Scamman. Mr. Scamman explained that he didn't design the septic system. He explained that test pit two shows that they never found ledge. He explained that that raised a red flag because it terminates at 56" and the intent is to be 20" below grade. He noted the chance if the applicant were to

reapply, someone would say they can't do this without a waiver from the zoning board even though it was previously approved.

Member Weathersby asked for the location of the leach field which Mr. Scamman defined.

Attorney Kieser shared the building code requirements and explained that the two waivers are being requested because they meet the state requirements, but not necessarily the town's.

Member Weathersby asked if the house would remain a three-bedroom. The applicant stated that it's currently a three-bedroom and a fourth would be added.

Member Weathersby asked whether the sizing of a four versus five-bedroom septic system would affect the requested relief. Mr. Scamman stated that it might be slightly smaller, but it may need more height.

Member Mikolities, referring to the existing conditions plan, noted that ledge is identified in the front above grade with an elevation of 29.13. He observed that the bottom of the leach field looks like 30.13, with only a 1' separation. He asked Mr. Scamman how confident he was about what was requested.

Mr. Scamman explained that the crew thought this was ledge, but when they did the test pit they were able to move it. He explained that they weren't soil scientists or septic designers. He explained that their crew didn't do test pits, but saw something that they thought looked like ledge.

Chair Crapo asked whether the proposed system is the most conservative approach or proposed with the assumption that it's not ledge. Mr. Scamman stated that it's based on the assumption that it's not ledge.

Chair Crapo observed that when machines arrive to install, they could say it's not possible. Mr. Scamman confirmed and explained that this was all witnessed, stamped, and sent to the state. He stated that he couldn't imagine someone would miss a ledge outcrop right next door.

Vice-Chair Driscoll noted that in comparing the site plan to the septic plan, it appears that the boundary is a stone wall. Attorney Kieser stated that it's a catch basin.

Vice Chair Driscoll wondered if the drain pipe is on the septic plan and asked whether it's been confirmed that the applicant is all set with setbacks for the leach field from the property line.

Mr. Scamman stated that they didn't design or approve the septic plan. Attorney Kieser noted that dimensions from the lot line to the septic system are included in the septic plan.

Chair Crapo asked who the drain pipe belongs to, what easement is in place, and whether the area is a safe enough distance so as not to violate the easement. He observed that it may be a town catch basin and drain and asked how wide it is and how it plays into septic distances.

Mr. Scamman stated that most similar drainpipes generally have a 20' wide easement; usually 15' is needed above a tight pipe.

Member Weathersby asked if the property is serviced by a well. Attorney Kieser stated that it's not, but the abutting property behind the lot is serviced by a well. Ms. Leddy explained that there's a well on the site but it's not being serviced or used. There is a well serving an abutter.

Member Weathersby asked whether all distances were appropriate. Attorney Kieser stated that this was addressed in the state's approval which has not expired since it was approved in 2021.

Member Weathersby observed that there is a request for an increase in lot coverage, but coverage could be reduced if the shed were eliminated.

Attorney Kieser explained that the applicant's parents use the shed for storage as there is no basement in the house. Regarding the septic plan, she noted the 10' septic area and explained that they are easily more than double that.

Attorney Kieser spoke to each of the variance criteria as they relate to this application and elaborated on the 2019 amendments to zoning ordinances with coverage requirements in the Coastal Overlay District related to driveways and sidewalks. She also discussed the building code waiver addressed on page six of the application, the limitations of the lot, the proposed location of the leach field, and the improvement of the septic system. She added that the request to make the driveway pervious is cost-prohibitive.

Member Piela asked whether the applicant would consider using pervious pavers for the rear patio, noting that coverage would then only go up about 1% and would allow almost 400 square feet of pervious surface. The applicant explained that it's not her preference and Attorney Kieser discussed the expense.

Member Weathersby suggested options to reduce or eliminate the need to request additional lot coverage.

Chair Crapo explained that if the board were proceeding to a vote, he would want to condition the requested building code relief to be specific to that plan. If that plan couldn't be installed, this relief wouldn't be carried, a new system would be designed.

Chair Crapo opened to the public at 7:57 PM.

Jean Mahr, 162 Washington Road, explained that she lives on the west side of the property and expressed confusion about the septic versus drainage system, explaining that she thought the septic was going to a different location. She stated that her main concern is water.

Chair Crapo stated that there's an 80' separation between the wells.

Ms. Maher asked whether there would be water percolating out of the ground onto her property.

Mr. Scamman stated that their design shows a reduction in water flow to Ms. Mahr's property. He described the current drainage pattern, the water treatment design, and the anticipated reduction of flow. He explained that the board thought surface water would be directed here and explained why that's not the case.

Chair Crapo observed that the drain pipe was running past a tree and asked if there would be pipe armor to keep the tree roots from blocking it 20' up the line.

Mr. Scamman stated that they would wrap it in fabric and stone. If it got clogged, they had a cleanout or rotor roter, and water would back up in the stone and run across the surface. He stated that water already flows across this lawn and whatever doesn't soak in will run across the lawn.

Vice-Chair Driscoll observed that the pipe doesn't have calculations for length and percolation and asked whether it could be shortened.

Mr. Scamman explained that the depth of the system is what's driving its location. He explained that it's essentially level and described the 18" of layered materials above the pipe.

Member Mikolities expressed his concern with the contours and asked whether a subtle grass swale could be used.

Chair Crapo questioned whether they would run into ledge.

Member Mikolities observed that in most winters the pipe would be frozen and he would rather see a subtle, level swale.

Chair Crapo wondered why they wouldn't build a bigger stone filtration system under the ground.

Mr. Scamman stated that it would drain the area in larger storm events as it's a pressure release.

Member Weathersby asked if the garage was heated. Ms. Leddy stated that it's not currently but it will be.

Josh Scott, 144 Washington Road, stated that he had no objections and that the project would improve the general area. He expressed his support for the application.

Attorney Kieser stated that the applicant would like to continue the matter so she can consider some of the issues that have been raised.

Chair Crapo agreed that a continuance could provide some answers, dial in the septic, and lot coverage. He explained that public comment would remain open.

Motion by Chris Piela to continue the application for 444 Owls Revocable Trust, Alexia Leddy, Trusty for property owned and located at 154 Washington Road to the April 3, 2024 meeting. Seconded by Patrick Driscoll.

Vote 5-0-0 (G. Mikolities, P. Weathersby, S. Crapo, C. Piela, P. Driscoll in favor)

Speaking to Mr. Scamman, Vice-Chair Driscoll asked if the underdrain detail is going to remain, whether they could note the perforations for where the holes in the pipes will be. He stated that if it's just a safety valve, he'd like to see it farther from the rear yard setback.

Attorney Kieser asked the applicant for permission to go onto her property to delineate the location. Ms. Leddy agreed.

- 2. Rye General Store & Grille, LLC for property owned and located at 2203 Ocean Blvd, Tax Map 5.3, Lot 028-00A and Tax Map 5.3, Lot 028-00B requests variances from §190-6.3.B to raze Units A and B and replace with new; from §190-2.2.D(1) for no more than one principal building on one lot; from §190-3.4.D for dwelling coverage 32.2% where 30.4% exists and 15% is required; from §190-5.0.C for parking along the Gray Court boundary where 10' is required; and from §190-2.10.C(3) for structure 10.5' from the rear boundary where 10.5' exists and rear yard depth of ¼ of the depth or 30' from the rear boundary whichever is less; Property is in the General Residence/Business District, Coastal Overlay and SFHA, Zone AO, Depth 2'. Case #61-2023.**

Robin Wehbe, applicant, property owner, and resident of 20 Spruce Ave. presented the application. Mr. Wehbe noted that this project has been before the ZBA already and has been before the Planning Board for the past six months. He stated that it's been thoroughly vetted and reviewed by Planning/Zoning Administrator Reed, the RPC, and the TRC. He described the project, the requested variances, and updates pertaining to traffic safety in the parking lot. He noted the effort to make the property FEMA-compliant and highlighted the reduction in impervious coverage and the increase in building coverage. He stated that he's been working with the Planning Board, Fire Department, DPW, and the DOT, who suggested a curbed island as a physical barrier.

Chair Crapo asked if the curbed island would be on Mr. Wehbe's property or the right of way. Mr. Wehbe explained that the curb is in the right of way and was requested in writing by NHDOT. He explained the associated challenges and the striping to deter people from parking in front of the structure.

Member Mikolities asked for clarification regarding the safety of the curb at the crosswalk.

Mr. Wehbe stated that the parking lot is not considered a safe zone, as was discussed with the Planning Board and noted an area with ample room for foot traffic. He explained that the proposed planting area is to help with pervious coverage. He explained that the exit and entrance would be moved off of Gray Court as well as the two spots along Gray Court which have been repurposed so a car could pull in, turn around, and head out.

Member Mikolities asked Mr. Alther for the height under the balcony.

Shannon Alther, TMS Architects, stated that the height from the driveway area to the underside of the balcony is about 9'. He explained that he spent time with the Planning Board discussing that specific parking area. He explained that the turning radius is a little tight but they moved a handicap-accessible space. He explained that if someone did drive in, they could turn around in the space in a two or three-point turn.

Mr. Wehbe discussed the requested variances. He noted that the structure is in the flood zone and discussed FEMA's 50% rule. He explained that these will be structurally independent, only attached by flashing. He stated that he worked with FEMA and the Building Inspector. Chair Crapo asked if the new units would be residential, which Mr. Wehbe confirmed. Chair Crapo stated that the board is missing a variance request for separation of residential and commercial zones and this area would need a separation buffer and a parking variance. Mr. Wehbe stated that he would be adding more parking and explained that use intensity would be going down.

The board discussed the requirements for Commercial vs Business District zoning.

Attorney Tim Phoenix explained that, while poorly written, §190-2.2i addresses buffers as well. In discussing the matter, the board determined that the variance would need to be requested as a part of the package so it could be reviewed.

Chair Crapo also requested that the applicant submit something in writing to show that the state would allow the curbing. He asked Mr. Wehbe if the state required a blanket easement to allow pedestrian traffic into the parking lot. Mr. Wehbe stated that they did not. Member Weathersby noted that the state can't direct on private property.

Chair Crapo opened to the public at 8:46 PM; hearing no comment, the public session was closed.

Motion by Chris Piela to continue the application by Rye General Store & Grille, LLC for property owned and located at 2203 Ocean Blvd to the March 6, 2023 meeting. Seconded by Patti Weathersby.

Vote 5-0-0 (G. Mikolities, P. Weathersby, S. Crapo, C. Piela, P. Driscoll in favor)

3. **6. Lone Star LLC/Matthew & Martha Masiello for property owned and located at 125 Wentworth Road, tax Map 24, Lot 34 request variances from §190-6.3.A/B to raze an existing house and replace with new, from §190-3.1.H(a), (2),(a), (e) [2], g for a home 51.7', stone steps 10', patio 52' +/-, cutting of 23 trees greater than 4.5", a spa 53' and a rinsing station 65' from the river where 100' is required. Property is in the Single Residence District, Wetlands Conservation and SFHA, Zone AE(8). Case #58-2023.**

Attorney Tim Phoenix of Hoefle, Phoenix, Gormley & Roberts presented the application on behalf of the applicants, **Matthew & Martha Masiello**, also present. He introduced the rest of the team: **Corey Colwell, Jason Cook (TF Moran), Rob Carty (TMS Architects), Chris Albert, Josh Bourgerly, and Chris Ragusa.**

Attorney Phoenix described the lot noting that it's a large lot abutting Sagamore Creek with 100' of frontage on Wentworth Road. He described the proposal and the proposed location of the house, beyond the primary 50' state setback requirement from the creek.

Corey Colwell of TF Moran discussed the Existing Features Plan, noting the 100' of frontage on Wentworth Road, the composition of the driveway, and the 147' of frontage on Sagamore Creek. He discussed the wooded site and the design plan to integrate mature trees into the landscaping plan. He stated that the elevation is 32' near the stone wall, and the low point is elevation 4 at the

river. He stated that the existing building coverage is 1.8% and the existing impervious coverage is 12.7%. Mr. Colwell presented the Proposed Conditions Plan and discussed the integrated paths in landscaping, the rinsing station, and the spa. He stated that most of the site, post-construction, will look wooded with very little lawn. He explained that the septic system would be replaced with a new, advanced system in roughly the same location as the existing one. He also made note of the stormwater management plan and drainage analysis.

Jason Cook of TMS Architects described the stormwater management system and explained that presently most water flows off-site into Sagamore Creek. He described the proposed stone-trench drip edge, gutters, and downspout collectors for the main house and explained that the detached garage would have a similar system but with an outlet into the rain garden. He stated that there's a decrease in flow to all abutters and a decrease in flow rates and total volume to Sagamore Creek. He stated that test pits were done around the rain garden and the existing home.

Attorney Phoenix explained that one of the attached exhibits is a doc permit, which he thought was a DES permit for shoreland and wetlands. He also stated that existing coverage would go from 12.73% to 14.2% and within the 50' primary buffer, 872 square feet would be removed and would go to 510 square feet.

Josh Bourgerly discussed the landscape considerations that went into the location of the house. He explained the homeowner's desire to preserve the character of the property and explained that this site was the best location for balancing the distance to the coastal resource and preserving the existing trees. He stated that the carriage house was moved deliberately so they'd have to remove the fewest trees and have the least amount of damage. He stated that 23 trees would be removed, solely within the footprint of the new proposed building and parking area, except those in poor health or posed a safety concern. He stated that a licensed arborist walked the site and pointed out trees that were severely compromised and needed to come down. Of the 37 trees surveyed within the 50' buffer, they would only remove one; within the 100' buffer, only five would be removed. Noting the significant impact of tree loss on the property, he proposed that 77 new trees be planted ranging in size from 8'-20' as an effort to restore the trees on the property. Chair Crapo discussed the RCC's condition of the removal of invasives. He asked for the location of the invasives and whether they'd be able to remove them without equipment.

Mr. Bourgerly stated that the majority are north of the driveway. He explained that they're exploring options to remove it with an invasive species removal contractor.

Attorney Phoenix explained that the board should have the RCC's 11/29/23 letter of support for the project and read aloud their conditions.

Chair Crapo stated that condition #3 should be removed as it doesn't have anything to do with mulch, but hydroseeding mulch.

Mr. Bourgery expressed their preference to have a contractor use a targeted approach for the removal of invasives.

Mr. Colwell discussed the proximity of the existing home to the proposed home.

Chris Albert of CSA Environmental discussed the proposed advanced septic system design. He stated that the advanced treatment would provide a 25% reduction, which is 250 square feet, but they sized up to 330 square feet for safety.

Chair Crapo asked if the proposed garage is just a garage. Mr. Masiello confirmed that it is a garage with storage, nothing more, and no plumbing included.

Attorney Phoenix discussed page three of his memo and each of the variance criteria as they relate to this application.

Chair Crapo asked what kind of provisions are in place for the rinsing station and spa so that soap and chemicals aren't flowing down the lawn into the resource.

Mr. Colwell explained that it's on stone and pervious underneath. He stated that a better solution would be a dry well on the uphill side. He stated that if soaps and shampoos were intended to be used, they would plan to use a dry well on the upland side.

Chair Crapo asked if pervious stone would be used as opposed to a concrete pad. Mr. Bourgery confirmed and agreed that they don't want to see that running into the planter bed and washing away mulch.

The board discussed the height of the rinsing station sides, which would be roughly 6'.

Member Mikolities, speaking to Mr. Colwell asked where they stand with the DES Shoreland Zoning permit. Mr. Colwell explained that he does those after zoning relief. They will need a permit and haven't applied for it yet. He expressed his belief that their plan conforms with DES' requirements.

Vice-Chair Driscoll asked if the applicants had spoken with abutters and whether letters of support had been submitted.

Mr. Masiello stated that he spoke with one set of neighbors for about two hours.

Chair Crapo opened to the public at 9:30 PM.

Suzanne McFarland, RCC, stated that the RCC is in full support of the application. She stated that, regarding mulch, DES likes for the RCC to follow their wording.

Chair Crapo clarified that the section regarding mulch has to do with restoring seeded areas and the hydroseed mulch used; it has nothing to do with planting bed mulch.

Ms. McFarland stated that the RCC is working on wording. She stated that Susan Shepcaro's notes show that it was presented as "all invasive plants are going to be eliminated".

The board discussed the language needed to implement best practices.

Chair Crapo closed to the public at 9:35 PM.

Member Mikolities stated that he was fine with the application.

Member Weathersby stated that it's a great proposal and a vast improvement. Referring to their efforts to remove lawn and to add trees to balance their removal, she stated that all variances go back to the wetlands and they have made good strides to protect the wetlands.

Member Piela agreed and stated that variances are not contrary to the public interest as the structure is already there, it's a single-family residence, and forcing them to move it 100' away from the resource would not be beneficial given the unique shape of the lot. He agreed that the values of surrounding properties would not be diminished. There are special conditions of the property as it's on top of a resource. It's a reasonable use and taking a literal interpretation would not be beneficial.

Vice-Chair Driscoll stated that it's a great proposal, there's lots of good information that the board needed, and it was presented in a way that was easy to read and included everything that was needed. He stated that he was in favor of the application.

Chair Crapo agreed that all criteria were addressed and it was a well-planned presentation. He expressed that the applicant wants to have great use of the land but has considered resource protection and zoning elements. He noted that anything they'd want to do would require a variance to work in the wetlands.

The board agreed to the verbiage for the amendment of the RCC letter.

The board discussed the proposed conditions and agreed to vote on the two variances together.

1. Granting the variance is not contrary to the public interest?

Gregg Mikolities - Yes, for reasons stated.

Patti Weathersby - Yes, for reasons stated.

Chris Piela - Yes, for reasons stated.

Patrick Driscoll - Yes, for reasons stated.

Shawn Crapo - Yes, for reasons stated.

2. The spirit of the ordinance is observed:

Gregg Mikolities - Yes, for reasons stated.

Patti Weathersby - Yes, for reasons stated.

Chris Piela - Yes, for reasons stated.

Patrick Driscoll - Yes, for reasons stated.

Shawn Crapo - Yes, for reasons stated.

3. Substantial justice is done:

Gregg Mikolities - Yes, for reasons stated.

Patti Weathersby - Yes, for reasons stated.

Chris Piela - Yes, for reasons stated.

Patrick Driscoll - Yes, for reasons stated.

Shawn Crapo - Yes, for reasons stated.

4. The values of surrounding properties are not diminished:

Gregg Mikolities - Yes, for reasons stated.

Patti Weathersby - Yes, for reasons stated.

Chris Piela - Yes, for reasons stated.

Patrick Driscoll - Yes, for reasons stated.

Shawn Crapo - Yes, for reasons stated.

5. There are special conditions of the property that distinguish it from other properties in that area?

Gregg Mikolities - Yes, for reasons stated.

Patti Weathersby - Yes, for reasons stated.

Chris Piela - Yes, for reasons stated.

Patrick Driscoll - Yes, for reasons stated.

Shawn Crapo - Yes, for reasons stated.

6. There is no fair and substantial relationship between the general purposes of the ordinance provision and the specific application of that provision to the property.

Gregg Mikolities - Yes, for reasons stated.

Patti Weathersby - Yes, for reasons stated.

Chris Piela - Yes, for reasons stated.

Patrick Driscoll - Yes, for reasons stated.

Shawn Crapo - Yes, for reasons stated.

7. The proposed use is a reasonable one.

Gregg Mikolities - Yes, for reasons stated.

Patti Weathersby - Yes, for reasons stated.

Chris Piela - Yes, for reasons stated.

Patrick Driscoll - Yes, for reasons stated.

Shawn Crapo - Yes, for reasons stated.

8. Therefore, literal enforcement of the ordinances would result in unnecessary hardship.

Gregg Mikolities - Yes, for reasons stated.

Patti Weathersby - Yes, for reasons stated.

Chris Piela - Yes, for reasons stated.

Patrick Driscoll - Yes, for reasons stated.

Shawn Crapo - Yes, for reasons stated.

Motion by Chris Piela to approve the application for Lone Star LLC/Matthew & Martha Masiello for property owned and located at 125 Wentworth Road as presented with the following conditions:

- 1. As called for in the plan, silt socks be installed as erosion controls.**
- 2. Best Management Practices used for the removal of invasive plants currently on the property including but not limited to Phragmites, Japanese Knotweed, Honeysuckle, and Bittersweet.**
- 3. The RCC believes that a survival rate of 85% or better after one year is adequate for the plantings.**

Seconded by Patrick Driscoll

Vote 5-0-0 (G. Mikolities, P. Weathersby, S. Crapo, C. Piela, P. Driscoll in favor)

Motion by Patti Weathersby to continue the applications for George & Julie Looser for property owned and located at 750 Long John Road, Jonathan Lowell for property owned and located at 114 Harbor Road, and Evan Granoff for property owned and located at 973 Ocean Blvd to the March 5, 2023 meeting due to time constraints. Seconded by Patrick Driscoll.

Vote 5-0-0 (G. Mikolities, P. Weathersby, S. Crapo, C. Piela, P. Driscoll in favor)

- 4. Peter & Mary LeSaffre for property owned and located at 30 Straws Point Road, Tax Map 8.4, Lot 93 request variances from §190-2.2.E for a proposed septic tank 19.3' from the side boundary where 20' is required; from §190-2.3.C(2) for a retaining wall 9.1', a generator 9.2' and service court 10.4' from the side boundary where 20' is required; from §190-2.3.C(5) for lot coverage 28.5% where 15% is allowed; from §1903.1.H(2)(a)(f) & (g) for yard drain 45', stormwater chambers 48.8'/46.7' and terraced steps 75' from the wetlands where 100' is required and from §190-3.4.D for height 32.85' where 30' is required. The applicant requests waiver relief from the Building Code §190-35-14.C(2) for sepiTech system 3.5' to the ESHWT where 4ft separation is required. Property is in the Single Residence, Coastal Overlay, Wetland Conservation District and SFHA, Zones AO (3), VE (19). Case #07-2024.**

Attorney Tim Phoenix presented the application on behalf of the applicants, **Peter and Mary LeSaffre**, who were present via Zoom. Attorney Phoenix introduced team members **Corey Colwell** (TF Moran), **Jeff Fritz** (Landscape Architect), **David Solomon**, **Roger Seigher** (Robert A.M. Stern Architects), **Chris Albert** (Septic Designer), and **Brian White** (Appraiser).

Attorney Phoenix described the property noting the 160' of frontage. He stated that the total footprint of the structure is 4,546 which is 7.3% dwelling coverage and 29.0% impervious coverage. He explained that the request for a height variance is because the property is in a depression and about 7' lower than the house to the left and about 1' lower than the home on the right. He stated that, with the proposed changes, the height would be consistent with nearby homes and would be compliant with FEMA and Rye Flood Zone requirements. He stated that the ridge height is 49.25' above sea level, which is consistent with the three closest houses. He noted that the request for 28.5 overall lot coverage is a slight reduction from the current 29% overall lot coverage.

Mr. Colwell presented a site plan and emphasized that the site is completely maxed out. He described the details of the site and some of the existing features in the tidal buffer zone. He explained that the site is 29% impervious coverage, but since it's in the Single Residence District, they have to fall back to 15%. He described the existing trees and landscaping on the property as well as the proposed. He presented the site preparation plan, explaining the aim to provide the contractor with a step-by-step construction sequence and erosion control notes, and to remove everything from the site before construction begins. He discussed the shape of the lot and noted the 160' of frontage on Straw's Point and 262' of frontage on the ocean.

Chair Weathersby asked for the location of the existing septic system. Mr. Colwell pointed out its location just behind the 100' tidal buffer and stated that it would also be removed.

Mr. Colwell, referencing Sheet C02, discussed the site's appearance post-construction and the proposed home's location and driveway. He stated that the service court and band around the courtyard would be pervious, but the courtyard would be impervious due to turning vehicles. He discussed the proposed pool and patio on the east side of the home and the retaining wall, which would range in height between 6"- 4.5-5'. He stated that the ocean side of the home would include a mostly-pervious paver patio. He described the proposed grass steps with stones for risers. He also described the septic system, noting that the current system is 100' from the edge of the ocean but would be moved to a concrete chamber system approximately 200' back from the ocean to the service court.

Chair Crapo asked whether the circular drive and the drive to the service court would be pervious or impervious. Mr. Colwell stated that the driveway itself would be impervious.

Chair Crapo asked for the reasoning behind the impervious drive, noting that much of the proposed hardscape could be pervious. He observed that much of the proposed plan isn't necessary and wondered if it is necessary, why it wouldn't be done with pervious material.

Mr. Colwell stated that part of the reason for impervious material was to use reclaimed concrete surface. He agreed that there is an opportunity to make some of this pervious.

Mr. Fritz stated that the concern is with durability and that they could revisit the exposed aggregate.

Mr. Colwell stated that there is an overall reduction in impervious surfaces from what exists today: 29% to 28.5%. He stated that the reason for impervious is to keep it a more durable material, but if the board feels strongly they could make it pervious. He added that the utilities include town water, underground electric and telecommunications lines, and a new SepiTech system.

Mr. Colwell discussed the grading plan on Sheet C03, stating that they felt the need to improve stormwater. He explained that after rain events there is some pooling water in the backyard. He explained that they're trying to capture roof runoff with pipe and stone underground storage systems which collect the back half of the roof runoff. He stated that there are roof layers leading to those systems, which convey water under the court. He explained that there are several yard drains and infiltration areas they'd like to capture, treat, and infiltrate. He also noted that Chris Albert did test pits and the soil is a fine, sandy loam, which results in well-drained soil. He stated that they're proposing an improvement of the site by reducing impervious coverage, filling in a shallow area, and raising the site and floor of the building by 3' for FEMA regulations and future sea level rise and storm surge.

Chair Crapo, referring to the landscaping and drainage plan, noted that once it's installed, you wouldn't be able to get into the front yard without equipment. He asked whether the damage along the water's edge would be repaired alongside this project, as it wouldn't be possible to do it afterward. Mr. Colwell discussed the process.

Vice-Chair Driscoll asked whether they would be able to provide maintenance with a machine on the pipe and stone systems. Mr. Colwell stated that the only access point is in the back to the west side of the property and there is enough room. Vice-Chair Driscoll discussed the pipe and stone storage system detailed on sheet C05.

Vice-Chair Driscoll wondered if, when the team did their calculations for lot coverage, there was anything on the existing site that is hardscaping or dried surface that would be pervious or concrete. Mr. Colwell stated that the whole thing was considered impervious.

Attorney Phoenix asked Mr. Colwell to explain parcel three.

Mr. Colwell discussed the Existing Features Plan showing the parcel part of Straw's Point right of way. He explained that, as it's part of the right of way, they didn't include that lot area in lot coverage or impervious coverage calculations, they only included a lot area of 160' of frontage.

The board discussed whether the area should have been used in those calculations.

Member Mikolities asked for the total cubic yardage of the additional fill. Mr. Colwell stated that he didn't do a calculation, but that it was significant as the house would be going up 7'.

The board discussed the fill and compensation for lost storage.

Member Mikolities observed that the low point would be in the pond and asked whether the new system compensates for the lost storage.

Mr. Fritz explained that part of the existing conditions includes a sunken area, which used to be a pond, that is not porous. He explained that the aim is to raise the house to make the landform more positive so that it sheds away from the house towards the plantings at the edge. He explained that they're mitigating with grading how the water moves off the site to places where it can infiltrate. He said they're improving the quality and adding a system to help water shed off the surface faster.

Member Weathersby asked how much maintenance the drains require. Mr. Colwell explained that a pipe and stone system is like a leach field and requires very little maintenance.

Attorney Phoenix explained that they proposed a plan for yearly inspection and maintenance of the town.

Mr. Solomon stated that the applicants have lived in Rye for 20 years. He discussed the site including the curb cuts, driveway, entry points, the proposed location on the property, setbacks, floor plan, and 4-bay garage. He discussed the requested height variance and explained that the house is currently 30' from its proposed grade and they're proposing to raise the house 3' to comply with FEMA regulations. He stated that the house would be brought to a height of 19.5' and explained that they're proposing to fill the grade as well.

Chair Crapo observed that the house would also be nearer to the ocean. He observed that all the nearby homes have similar setbacks, whereas this would be moving closer and right up to the 100' tide mark.

Attorney Phoenix noted that it's not a whole lot closer than the house to the right.

Member Mikolities asked for clarification of the elevations on Sheet C03. Mr. Solomon discussed the existing grades. Referring to Sheet S1, Member Mikolities confirmed that the finished floor elevation is 17.99.

Vice-Chair Driscoll asked for clarification about the statement that FEMA regulations were the primary driving force for the proposed elevations. Mr. Solomon stated that because the property is in the A03 flood zone, the bottom of the structure of the proposed house must be 3' above the adjacent grade, 19.4.

The board discussed the proposed height, FEMA requirements, and the town's requirements. Vice-Chair Driscoll commented that it doesn't seem like hardship.

Chair Crapo asked whether the proposal had been before the Straw's Point Architectural Review Committee. Attorney Phoenix stated that he didn't know that existed and asked for further information. The board discussed the Straw's Point HOA.

Member Weathersby asked for more information regarding the heights of ceilings and between floors. Mr. Solomon discussed the elevations noting that the garage has 9' ceilings with a slope up to 10.5'. Member Weathersby asked if the height of the garage space is driving the height of the house. Mr. Solomon stated that the height of the second floor is driving the height of the house. Member Weathersby asked if a 9' finished ceiling in a garage is typical. Mr. Solomon stated that it is, for a house of this size and scale. Mr. Crapo asked for the minimum height needed to park a car in the garage. Mr. Colwell stated that a minimum of 8' is needed, and with room for a Thule rack on top, 9' is needed.

Vice-Chair Driscoll asked for a section of the roof line or something that shows the sloped ceilings above the garage. Mr. Solomon didn't have that information.

Mr. Fritz discussed the current vegetation and proposed landscaping plan.

Mr. Albert described the proposed advanced treatment septic system. He noted their compliance with DES requirements and their request of .5' of relief.

Member Weathersby asked for clarification on how the septic tank would be pumped if it were under the pavers. Mr. Albert described the process clarifying that typically all chambers are underneath solid pavement, in this case, it would be under porous pavement. He stated that the tanks are off to the side between the pool and the service court.

Vice-Chair Driscoll, speaking to Attorney Phoenix, stated that there's nowhere in the plans to show what's driving the request for a height variance.

Member Mikolities stated that he would love to see two cross-sections from the street down to the water and he's having a tough time grasping the reasons for a height variance.

Chair Crapo noted that the proposed home is large; to have width and a shedding roof, certain heights are required, and a smaller home would make it easier to comply.

Attorney Phoenix pointed out that this is not a run-of-the-mill property, area, or house. He discussed the importance of providing the board with enough information to make an informed decision. Member Weathersby commented that more detail would be helpful.

Chair Crapo added that a larger drawing might help clarify some things as there's a lot of detail that's difficult to discern.

Ms. LeSaffre mentioned that 30 Straws Point is not part of the Straw's Point HOA, it only includes the nine houses that abut the common area.

Attorney Phoenix requested a continuance.

Chair Crapo opened to the public at 11:05 PM.

Reggie Hall of 11 Mill Pond Lane in North Hampton represented his mother, Emily Hall, of 36 Straws Point, the property immediately abutting this lot to the west. He stated that Ms. Hall sent letters and photos to the board. He read aloud Ms. Hall's request that the board consider denying the requests for variances because they pertain to wetland buffer and height. Her letter addressed her concern regarding the filling in of the FEMA-designated zone, wetland, and tidal zone buffers on the property. Ms. Hall expressed concern regarding increased flooding, erosion, and storm damage to her property as a result of filling in the flood zone next door.

Member Weathersby, speaking to Mr. Hall, observed that water comes up to the pool fence. Mr. Hall confirmed that waves come across the yard and noted that his mother sent photos of the property before and after high tide.

Mr. LeSaffre commented that the water was gone within 24 hours.

Attorney Phoenix stated that the RCC had a site walk in late December and requested more information, which took a while to get back to them.

Suzanne McFarland, RCC, stated that the board doesn't yet have a letter because of the time involved. She stated that there was a very comprehensive infiltration submission that was requested at the site walk. She stated that Dana Truslow, the hydrologist, was going over the details that would be discussed at their next meeting.

Motion by Chris Piela to correct the record: any application continued to March 5, 2024 will be continued to March 6, 2024. Seconded by Patrick Driscoll.

Vote 5-0-0 (G. Mikolities, P. Weathersby, S. Crapo, C. Piela, P. Driscoll in favor)

Motion by Chris Piela to continue the application by Peter & Mary LeSaffre for property owned and located at 30 Straws Point Road to the March 6, 2024 meeting. Seconded by Patti Weathersby.

Vote 5-0-0 (G. Mikolities, P. Weathersby, S. Crapo, C. Piela, P. Driscoll in favor)

Motion by Chris Piela to adjourn at 11:15 PM. Seconded by Patti Weathersby. All in favor.

Respectfully Submitted,
Emilie Durgin

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner:

Michael Anderson

Property:

117 Washington Road, Tax Map 17, Lot 20

Property is in the Single Residence District, Wetlands Conservation District

Application case:

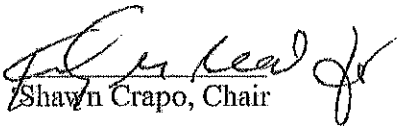
Case #57-2023

Date of decision:

February 7, 2024

Decision:

The Board voted unanimously to continue the application to the March 6, 2024 meeting for an updated plan with dimensions of slab, dimensions of workshop, and distances to wetland.


Shawn Crapo, Chair

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see Article VII, Section 703 of the Town of Rye Zoning Ordinance. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

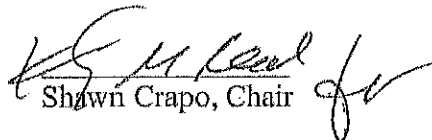
Applicant/Owner: Elements 9 LLC

Property: 14 Sagamore Rd Tax Map 24, Lot 74
Property is in the Commercial District

Application case: Case #59-2023

Date of decision: February 7, 2024

Decision: The Board voted unanimously to continue the application to the March 6, 2024 meeting.


Shawn Crapo, Chair

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

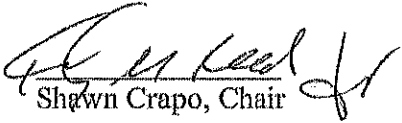
Applicant/Owner: Ed Farley

Property: 472 Wallis Road, Tax Map 16, Lot 77
Property is in the Single Residence District

Application case: Case #40-2023

Date of decision: February 7, 2024

Decision: The Board voted unanimously to continue the application to the May 1, 2024.


Shawn Crapo, Chair

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

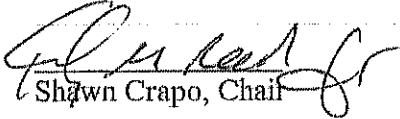
Applicant/Owner: Mark C. Epply

Property: 267 Brackett Road, Tax Map 19, Lot 93
Property is in the Single Residence District,

Application case: Case #11-2024

Date of decision: February 7, 2024

Decision: The Board voted unanimously to continue the application to the March 6, 2024 meeting.


Shawn Crapo, Chair

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see Article VII, Section 703 of the Town of Rye Zoning Ordinance. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner: Peter & Mary LeSaffre

Property: 30 Straws Point Road, Tax Map 8.4, Lot 93
Property is in the Single Residence, Coastal Overlay, Wetland
Conservation District and SFHA, Zones AO (3), VE (19).

Application case: Case #07-2024

Date of decision: February 7, 2024

Decision: The Board voted to continue the application to the March 6, 2024 meeting.


Shawn Crapo, Chair

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner: Rye General Store & Grille, LLC

Property: 2203 Ocean Boulevard, Tax Map 5.3, Lots 028-00A and 028-00B
Property is in the General Residence/Business District, Coastal Overlay
and SFHA Zone AO, Depth 2'

Application case: Case #61-2023

Date of decision: February 7, 2024

Decision: The Board unanimously to continue the application to the March 6, 2024 meeting.


Shawn Crapo, Chair

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner: 444 Owls Revocable Trust, Alexia Leddy, Trustee

Property: 154 Washington Road, Tax Map 17, Lot 15
Property is in the Single Residence District.

Application case: Case #62-2023

Date of decision: February 7, 2024

Decision: The Board voted unanimously to continue the application to the March 6, 2024 meeting.


Shawn Crapo, Chair

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION


Applicant/Owner: Mark C Epply

Property: 267 Brackett Road, Tax Map 19, Lot 93
The property is located in the Single Residence District

Application case: Case #11-2024

Date of decision: February 7, 2024

Decision: The Board voted unanimously to continue the application to the March 6, 2024 meeting.


Shawn Crapo, Chair

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

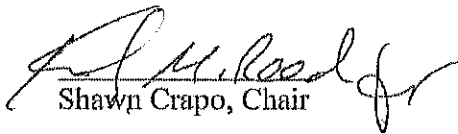
Applicant/Owner: Evan Granoff

Property: 973 Ocean Blvd, Tax Map 20.2, Lot 136
The property is located in the Single Residence District, Coastal Overlay District.

Application case: Case #12-2024

Date of decision: February 7, 2024

Decision: The Board voted unanimously to continue the application to the March 6, 2024 meeting.


Shawn Crapo, Chair

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner:

Lone Star LLC/Matthew & Martha Masiello

Property:

125 Wentworth Road, Tax Map 24, Lot 34
Property is in the Single Residence District, Wetlands Conservation District and SFHA Zone AE (8)

Application case:

Case #58-2023

Date of decision:

February 7, 2024

Decision:

The Board voted to grant the following variances requested from the Rye Zoning Ordinance as presented:

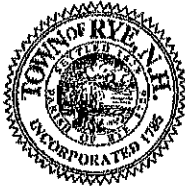
- §190-6.3.A/B to raze an existing house and replace it with new.
- §190-3.1.H(a), (2),(a), (e) [2], g for a home 51.7', stone steps 10', patio 52' +/-, cutting of 23 trees greater than 4.5", a spa 53' and a rinsing station 65' from the river where 100' is required.

The recommendations made by the Rye Conservation Commission in their 11/29/23 letter as follows:

- 1) As called for on the plan, silt socks be installed as erosion controls.
- 2) Best Management Practices used for the removal of invasive plants currently on the property.
- 3) The RCC believes that a survival rate of 85% or better after one (1) year is adequate for the plantings.


Shawn Crapo, Chair

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see Article VII, Section 703 of the Town of Rye Zoning Ordinance. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.



**RYE CONSERVATION COMMISSION
10 CENTRAL ROAD
RYE, NH 03870**

November 29, 2023

RE: 125 Wentworth Road, Tax Map 24, Lot 34, Owner: Lone Star, LLC

The Rye Conservation Commission (RCC) conducted a site walk on October 16, 2023, at 125 Wentworth Road to evaluate a project which proposes to remove the existing home and construct a new home and a new detached garage. The plan also calls for rerouting and replacing the existing driveway. This property has about 100-feet of frontage on Sagamore Creek. The RCC has previously reviewed plans for the dock that is proposed for the property. This is a 3.5-acre lot.

The existing home is 32.4-feet from the resource and, as such, is entirely located in the 100-foot tidal buffer. The proposed home will be pulled approximately 20-feet further from the creek and will be 51.1-feet from Sagamore Creek. About two-thirds of the proposed home will be in the 100-foot tidal buffer.

The new home has a footprint of 4,183 square feet, which includes a two-car garage and a deck at the back of the house. The living space, including the basement, first floor and second floor, is about 6000 square feet. The total square footage is 9,072, which includes the basement, storage area, deck, and garage. The proposed home will occupy 3.5% of the building lot coverage, where 15% is allowed. The first floor will be at elevation 23.25-feet. The existing home is at elevation 21.3-feet.

A 1,250 square foot detached garage with a covered car port is also proposed. This structure will be located off the new driveway, east of the home and out of the 250-foot state shoreland protection zone. Three trees are proposed to be removed for the garage. A rain garden is proposed behind the garage with PVC drains.

The project also includes a covered patio and a walkout deck with a foundation, allowing for storage underneath. A stone walkway will connect the driveway to the back patio. A second stone walkway runs from the driveway to the backyard and the deck. The plan calls for a mulch path that connects the backyard and the front of the house to the detached garage.

The existing impervious coverage on the lot is 12.7%. The proposed lot coverage is 14%, where 15% is allowed. The impervious area within the 50-foot buffer is being reduced by 362 square feet. Impervious coverage on the lot will increase by 1.3%. The existing septic system, which is located to the west of the home out of the 100-foot buffer, dates to the construction of the existing home around 1968. The plan proposes the installation of a new advanced treatment system in the same location as the existing septic system. The home will be heated by propane

and serviced by town water. The home will also have a generator for backup power. The generator, A/C units and the propane tank will be out of the 100-foot buffer. The propane tank will be buried off the driveway approximately 150-feet from the resource.

Most of the new home will be on previously disturbed land.

Twenty-three trees are being removed. Twenty-two of the trees proposed to be removed are out of the 50-foot buffer. One cedar tree, located in the 50-foot buffer, is proposed to be removed.

There is an existing foundation drain that discharges close to the water. This will be pulled back ten feet inland. The stormwater management plan for the project calls for gutters and drip edge to manage runoff water. Roof runoff will be captured in a stone drip edge and directed to an outlet structure. A rip rap apron outlet with an 8-inch PVC drainage pipe is proposed at the northeast corner of the property in front of the existing riprap.

Granite pavers, totaling 1,370 square feet, are proposed at the outer edges of the circular drive at the front of the home. A stone walkway, approximately 1,585 square feet, leads to the back of the home where a rinsing station and spa (53 square feet) are proposed outside the home on the northeast side. Stone steps with 7-inch risers are also proposed on the northwest side.

The lawn on the Sagamore Creek side is being decreased by 75%. Extensive native plantings are proposed throughout the property (see Proposed Planting Plan dated 10/12/23). RCC appreciates the design and the volume of the proposed plantings. i

Utilities will be updated and relocated from overhead to underground.

The existing driveway is a combination of paved and gravel. The paved driveway is 10,075 square feet. The gravel driveway is 5,660 square feet. The new driveway will be all paved, at 11,363 square feet.

The existing impervious coverage is 19,672 square feet (12.7%). Impervious lot coverage will be increasing to 21,677 square feet (14%). The maximum allowable coverage for this property is 15%. The existing impervious coverage within the 50-foot buffer will be decreasing from 872 square feet to 510 square feet.

The Rye Conservation Commission appreciates the improvement that the installation of a new advanced treatment septic system and comprehensive stormwater management plan will have on the property. The robust planting plan created for the property will also be a significant improvement.

The Rye Conservation Commission supports the project, subject to the following recommendations:

- 1) As called for on the plan, silt socks be installed as erosion controls.

- 2) All invasive plants currently on the property, including but not limited to phragmites, Japanese Knotweed, honeysuckle and bittersweet to be removed and properly disposed of.
- 3) Mulch used shall be straw or equivalent non-toxic organic material, in accordance with EVN-Wt 307.12(d)
- 4) The RCC believes that a survival rate of 85% or better after one (1) year is adequate for the plantings.

Respectfully submitted



Susan Shepcaro, Clerk

NH DES Native Plants:

<https://www.des.nh.gov/organization/divisions/water/wetlands/cspa/documents/native-shoreland-plants.pdf>

Planting Guide for Tidal Shoreline Erosion Management in New Hampshire:

https://www.town.rye.nh.us/sites/g/files/vyhli3751/f/uploads/nhdes_tidal_shoreline_erosion_management_including_planting_guide.pdf

StormSmart Coasts - Coastal Landscaping in Massachusetts:

<http://www.mass.gov/service-details/stormsmart-coasts-coastal-landscaping-in-massachusetts>

MA salt tolerant plant lists:

<https://www.mass.gov/service-details/coastal-landscaping-in-massachusetts-plant-highlights-and-images>

<https://www.mass.gov/info-details/coastal-landscaping-in-massachusetts-shrubs-and-groundcovers#beach-heather->

<https://www.mass.gov/info-details/coastal-landscaping-in-massachusetts-grasses-and-perennials>