

## **RYE CONSERVATION COMMISSION**

### **Site Walk Minutes**

**Wednesday, October 19, 2022**

Meeting was called to order at 1:30 pm by Chair McFarland.

### **1:30 pm: 10 Goss Farm Lane, Tax Map 8, lot 59-1, Francis and Gail DiNuzzo, owners**

Present: Karen Oliver, Mike Garvan, Sally King, Susan Shepcaro, Suzanne McFarland, Kara Campbell

The Rye Conservation Commission (RCC) visited 10 Goss Farm Lane on October 19, 2022 to look at a project that proposes a pool fence within the 25' voluntary buffer. The property is subject to the 75' wetland buffer, however the 25' voluntary buffer was a Condition of Approval and included in the Declaration of Covenants Conditions and Restrictions for Goss' Grant Subdivision Homeowners Association. The 25' voluntary buffer would be treated as a regular wetland buffer. Also written in the Declaration is the prohibition of structures within the voluntary buffer.

A new home and pool are being constructed on the site. Original subdivision plans show some disturbance within the buffer. In addition, Building Permit Plan Set Page C-2 and L-1 dated 11/9/20 show the fence encroaching into the 25' buffer. The applicants recently submitted an application for the fence, and the Rye Building Department noted that it encroached into the 25' setback and would need Planning Board review as this condition was under their jurisdiction. It also needs RCC review.

At the October 11, 2022 Planning Board Meeting, the Board agreed upon constructing the fence along the 16' contour on Plan L2 or as close to the pool as possible. This is not completely out of the 25' buffer, but it is not as much of an encroachment. The Planning Board also required plantings. The width of the plantings is not to exceed a width of 6' outside the fence.

The fence will be bronze aluminum with 2" spacing, 54" tall.

The RCC also noticed that mowing has been occurring in the meadow and marsh in the rear of the properties in the subdivision. RCC will write a letter to the homeowners informing them of the violation and that the covenants say mowing can only be done once a year in the fall.

The RCC concurs with the Planning Board's Notice of Decision dated 10/11/22 requiring the fence to be on the 16' contour line and have plantings.

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

- 1) The fence will be constructed along the 16' contour line as shown on Plan L2 or as close to the pool as possible, in agreement with the Planning Board's 10/11/22 Notice of Decision.

- 2) Plantings provided shall be consistent with the native shoreland riparian buffer plantings of New Hampshire. The width of the plantings is not to exceed a width of 6' outside the fence, in agreement with the Planning Board's 10/11/22 Notice of Decision.
- 3) A complete planting plan for the property to be submitted to and approved by the RCC prior to installation.
- 4) RCC requests that the commission be allowed to revisit the property after one year to ensure that at least 85% of the of the plantings have survived.

**2:15 pm: 239 Wallis Road, Tax Map 19, Lot 17, Sharon Wadsworth, owner.**

The Rye Conservation Commission (RCC) visited 239 Wallis Road on October 19, 2022 to look at a project that proposes an in-kind replacement of an existing underground propane tank within the 75' wetland buffer located off the front of the house. It will be located 17.8' from the edge of the wetland and has an impact of 225 square feet of the wetland buffer. It will be a 1000-gallon tank.

There is also an existing generator that is powered by the propane tank that was previously permitted. RCC members also noticed a fire pit area located beneath the trees in the front of the house. The patio is about 15' from the edge of the wetland; the fire pit about 25' away from the edge of the wetland. RCC members will look into previous permitting for this.

The RCC has no issue with the replacement of the underground propane tank. The RCC just requests that a mini excavator is used.

**2:45 pm: 23 Harborview Drive, Tax Map 26, Lot 4, Matthew and Kate Siler, owners.**

Present: Susan Shepcaro, Suzanne McFarland, Karen Oliver, Mike Garvan, Sally King, Kara Campbell

The RCC conducted a site walk at 23 Harborview Drive on October 19, 2022 to follow up on the required plantings from the July 19, 2019 recommendation letter and September 4, 2019 BZA Notice of Decision.

It has been 3 years and the plantings should be in, but they are not. The applicant has submitted a revised plan to DES and is awaiting approval. The RCC needs this plan, as well. The revision is an increase in square footage, from 2895 square feet to 3422 square feet. Ben Groves, MLD, Rye Beach Landscaping is the landscaper. The requirement for the buffer is 10 feet in depth, varying from a minimum of 3 feet but averaging 7 feet. The curved area where erosion has already occurred should be a depth of 10 feet.

There is also an old structure in the rear of the property by the dock that will remain, as removing it will cause more damage in the buffer.

The applicant informed RCC members that an area on the northwest side of the property experiences flooding in king tides. The RCC members recommended plantings from the Tidal Erosion List in the area and around the rock to stabilize the area and mitigate any flooding.

The applicant said the plantings will be in before winter. The RCC will await the revised plan that was submitted to DES as well as notification from the applicant when the plantings are in.

The meeting was adjourned at 3:15 p.m. by Chair McFarland.

Respectfully submitted,

Susan Shepcaro, Clerk