

TOWN OF RYE – CONSERVATION COMMISSION

**Thursday, January 10, 2019
7:00 p.m. – Rye Public Library**

Present: Chair Sally King, Vice-Chair Suzanne McFarland, Mike Garvan, Jeffrey Gardner, Heather Reed and Susan Shepcaro.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Sally King called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

II. APPROVAL OF MINUTES

- December 13, 2018

The following corrections were noted:

- Page 2: RRC should be RCC
- Pages 4,5: All references to Tracy Dugan should be Tracy Degnan
- Page 4: Chair Sally King reported that she followed up with Bobby Wylde not Vice-Chair McFarland
- Page 4: Jack Hunter should be: Jeff Hunter
- Page 5: local governing ~~board~~ should be: local governing board

Motion by Suzanne McFarland to approve the meeting minutes of December 13, 2018 as amended. Second by Susan Shepcaro. All in favor.

III. WETLANDS

- A. 281 Sagamore Road, Tax Map 022 Lot 07 and 08
Owner: Curtin, Sarah and Matt
Ambit Engineering
Addition to home within the 100' wetland buffer (Berry's Brook Watershed), new septic design

John Chagnon of Ambit Engineering presented. He stated that the owners are before the Commission for a referral for a zoning application. The Curtins want to expand the home by adding a master bedroom. The addition will be outside the wetland buffer. Other constraints include: the front setback, the driveway and septic tank. The proposed addition is on the side of the house near the buffer and the existing septic tank. The proposal will include relocating the septic tank to a more conforming position, outside the wetland buffer. The Curtins have agreed to some wetland planting as mitigation to the wetland buffer impact.

- **The Commission scheduled a site walk: Tuesday, January 15, 2019 at 4:00 p.m.**
Comments will be sent to the Zoning Board, Ambit Engineering and the Curtins.

B. 60 Park Ridge Ave., Tax Map 194 Lot 17
Owner: Ferguson, Brian and Diane
Ambit Engineering
Attorney Kevin Baum
Construction of a garage, driveway, shed within the wetland buffer

Kevin Baum of Hoefle, Phoenix, Gormley and Roberts presented. The proposal is to construct a 24X26 foot detached garage and reconfigure the driveway to reduce the existing impervious surface.

It was pointed out that the property is at the end of a dead-end road and is abutting conservation land. Currently, there is an area on the conservation land that is paved. After talking to the director of the department of public works, it was discovered that the paved area is not needed for turnaround during snow removal. The Commission asked if the Fergusons would be willing to remove the pavement on the conservation piece at the same time they are removing the other impervious surfaces.

It was decided to ask Dennis McCarthy, the DPW Director to go on the site walk with the Conservation Commission to review and layout the area in a way that makes the most sense for both the Fergusons' and the Conservation's parcel.

- **The Commission scheduled a site walk: Tuesday, January 15, 2019 at 3:20 p.m.**

C. 55 Harbor Road, Tax Map 9.2 Lot 02
Owner: Seacoast Property Holdings-Cabral
Ambit Engineering
Tear down and build new home within the 100' wetland buffer and the 100' NHDES tidal buffer zone.

John Chagnon of Ambit Engineering presented. The proposal is to build a new home in the wetlands tidal buffer. The home is in the B Zone plus 3 and will need to be raised with flood vents under. The plan is to work with a flood plain specialist in order to be in compliance with the building codes. The proposal for the current gravel area for parking is to replace it with gravel/pavement so it will be more structured. The closest point is a 50 foot primary setback. There will be variances needed to the Rye codes for the setbacks associated with the house. The septic is in the side yard and meets all the rules for the state. It will need a variance for the 20 foot setback but not for the depth to water table. Currently, the property has a stone revetment that is in disrepair. As part of the revetment repair, the property owner would like to incorporate a stone stairway. This will be submitted as a "Minimum Impact Expedited". The building size will be increased, however because the other impervious areas are being decreased, the overall lot coverage will decrease from 21.6% to 21.4%.

- **The Commission scheduled a site walk: Wednesday, January 16, 2019 at 3:45 p.m.**

D. 1 Willow Ave, Tax Map 17.4 Lot 024
Owner: Mikolaities, Gregg and Ann
Bosen Associates
DeStefano Architects

Home owner Gregg Mikolaities presented. The proposal is to enclose an existing wrap around porch. It will not increase the footprint or the height of the home. One side will be an enclosed four season room. The porch on the front will be enclosed as a screen porch. There will also be a deck on the second floor off the master bedroom. They will be adding a bathroom to the first floor. There will be foundation walls added that will be pinned to the ledge and footings where there is no ledge.

Mr. Mikolaities stated that when he went into the building department, he found out that there had been a complaint regarding the cutting of some trees. He explained that the tree that was cut down was dead. He informed the Commission that he never knew that Rye had an ordinance regarding cutting down trees.

Member Garvan explained that the ordinance states that trees cannot be cut that are bigger than 4.5 inches in diameter, to within 4.5 feet above ground level on any property within the wetland buffer. There is a process that needs to be followed to get relief in the case of a dead tree.

Chair King stated that often times, if a tree is taken down, the Commission will ask that a new tree be planted. The Commission will take a look at the stump on the site walk.

There may be a need for a permit from DES for the building project for the small portion that is in the wetland buffer.

- **The Commission scheduled a site walk: Wednesday, January 16, 2019 at 3:20 p.m.**

E. Rannie Webster Foundation d/b/a Webster at Rye
795 Washington Road, Tax Map 011 Lots 52 and 06
Altus Engineering - Eric Weinrieb
EGA Architects – Newburyport, MA
Attorney Tim Phoenix

Eric Weinrieb of Altus Engineering presented. The project is an additional twenty-one (21) bed, single story expansion at Webster at Rye. The project is not going to have any site work activities or disturbance in the wetland buffer. Mike Como has certified that the wetland delineation is still accurate. The building department sent the project to Conservation because it may require trees to be cut. However, the proposal is to tie into the leach field prior to getting into the buffer. Cory Colwell, MSC Division of TF Moran, is going out within the next two weeks to set the plaques along the buffer line for the wetland delineation. They should be in place prior to going for any permitting. There is no zoning relief required, however, a special exception is required because it is an amendment to the already existing special exception of the single residential zone.

- **The Commission will visit the site as soon as the plaques are in place in order to take pictures so that it is all on record. Mr. Weinrieb will notify Chair King as soon as they are up.**

F. Samonas Realty Trust
1215 Ocean Blvd., Tax Map 173, Lot 006
Altus Engineering - Eric Weinrieb

Eric Weinrieb of Altus Engineering presented. He stated that they went before the Zoning Board in September and appealed their decision, which was upheld by the board. The site plan review was filed in December. There was an issue with the legal notice, so the project will be going before the Planning Board in February. In the meantime, the alteration and drainage permit, wetlands and shoreland permits have been filed. Altus is in the process of finalizing the ecosystem application. All of the recommendations from the last time the owners met with the Commission were adopted into the proposal, prior to the Zoning Board, which became part of the Zoning Board's Notice of Decision. The only thing that is different is that there is now more information to present. The other area of concern was the grading. Originally, all the grading was to end at the property line. Working with DOT, a lot of the pavement will be eliminated and there will be a parallel parking area for the public in the front. Instead of having a steep grade that ties into the right-a-way, there will be a more gradual grade with improved drainage in the DOT area. The water will go from the high point in the middle and convey around to the wetland or to the catch basin. The DOT has approved the grading in the right-of-way.

Mr. Weinrieb pointed out the structures and septic tanks in the berm on the plan. He explained that there is a serpentine near the back two cabins where there is a leach field that will be left in place. The two raised fields will be taken out. The new systems will be moved 40 feet forward in front of the 100 foot buffer line. There will not be raised areas for the new systems. The current berm is in the 100 foot buffer but will go away. There is 18,000 square feet less in impervious surface so there will be a significant decrease in run-off from the site. The DOT will be providing clean fill for the project. There will be approximately 4,000 to 5,000 total yards of fill, which includes the volume for the leach fields and septic tanks. This is above the 100 year flood line so this is not 4,000 to 5,000 yards of fill displacing the 100 year flood line. The planting plan is in the wetland application. Mr. Weinrieb presented it to the Commission for their review. Mr. Weinrieb stressed that he truly feels this project is a betterment.

- **The Commission will notify the Planning Zoning Board and Eben Lewis in writing that they had this review and are satisfied.**

IV. OTHER BUSINESS

G. Drainage pipe – Road to the Town Forest

Mr. Walker of 30 Morgan Court reported that the drainage pipe is clogged and the road is flooding. The pipe is graded wrong and should not be corrugated. The corrugated pipe is catching the leaves which is clogging the pipe. Also, the entrance to the forest is extremely

slippery after it rains. Mr. Walker stated that bark mulch and wood shavings used to be put there to help this situation.

Chair King stated that the bark mulch and wood shavings would just wash away. She pointed out that in other areas a bog bridge would be built to correct an area that is consistently wet. She reported that she talked to Dennis McCarthy the DPW director and he said that in the spring they will go take a look at it and get it fixed.

Mr. Walker asked if there is any talk about paving the road or just restoring it. The road is in poor condition.

Chair King stated that the road and Parsons Field come under the jurisdiction of the Board of Selectmen.

H. Goss Farmer update of 2018 – Next Meeting

I. Jaci – invasive campaign – Next Meeting

J. Discussion of dog trespass violations in the Town Forest

Member Garvan referred to an e-mail and pictures of dogs running loose in the Town Forest that were sent by Shawn Joyce and David Tilton. He stated that he brought up the issue at the Dogs at Large meeting on Tuesday night. Member Garvan pointed out that the Commission put up the signs properly, which some were stolen and then replaced. At this point, Mr. Garvan feels that it has become an enforcement issue. He added that the education campaign is great, and the flyers should still be handed out to the people registering their dogs, but there are just people out there that are not going to comply with the rules. He reported that various solutions were talked about at the Dogs at Large meeting, such as fencing or a game camera. Mr. Garvan stated that he feels that the Commission needs to get the Animal Control Officer out to that area more often.

Member Shepcaro pointed out that the old flyers are outdated and Police Chief Walsh was supposed to get new ones printed.

Member Garvan suggested that the Conservation Commission should write something up. He added that Shawn Joyce had written something that was all great information on behavioral issues with dogs but it was too long to be used as a flyer.

Chair King stated that the original one was written for ROMP. She agreed to help update it.

K. Confirm dates to walk land – Blake, Goodwin

Chair King stated that the Goodwin property is off Brackett Road across from the Sea Mist Development. It is a twenty six acre easement that would be a good one to walk in the winter.

Vice-chair McFarland added that it is also a good time to do the Blake easement. It is located behind Willow off of Williams. It is over run with poison ivy in the summer.

- **The Commission scheduled a walk on the Blake property: Tuesday, January 22, 2019 at 2:00 p.m. The walk on the Goodwin property will be scheduled at a later date.**

L. Trailgate this Sunday January 13th meeting at Sea Glass – Rand Woods

Vice-Chair McFarland reported that Member Grote had listed 12 noon, as the time for Trailgate, on the website and it was also in the minutes of the last meeting. However, the correct time is 1:00 p.m. She added that she has 10 people so far that have said that they will be attending.

V. NEW BUSINESS

Member Garvan presented the Commission with ideas for the wording for a plaque to be placed on the Huntervale Property. The Commission agreed on “Huntervale Donated by.....”.

VI. OTHER BUSINESS

Vice-Chair McFarland reminded the Commission that at the last meeting with Amanda Stone and Lisa Wise, they had talked about having a joint meeting with Zoning and Planning in order to have another presentation from the UNH and NH Sea Grant. Both board chairs have agreed. Member McFarland asked Amanda and Lisa for available dates. The meeting needs to be scheduled as soon as possible.

Vice-Chair McFarland asked DES and the building department about 200 Parsons Road, Map 19 Lot 115, because the Commission had sent a complaint to DES about the driveway on the property. Also, there was potentially work being done in the marsh. Neil Bilodeau from DES got back to Member McFarland and stated that the owner has not contacted DES regarding the Notice of Violation of August 2018 so he will be contacting the owner. Building Inspector Peter Rowell will be contacting the owner before issuing another Notice of Violation.

Chair King reported that the warrant article to acquire land outside of the Town of Rye cannot be tailored to an individual property, per Town Attorney Michael Donovan. She read it as follows:

Shall the town vote to adopt the provisions of RSA 36-A:4-a, I. (a) to authorize the Conservation Commission to expend funds to purchase interests in land outside the boundaries of our municipality, subject to the approval of the local governing body?

She advised the Commission that they have to re-vote on the warrant article as it is written.

Motion by Michael Garvan to recommend the following warrant article to read:

Shall the town vote to adopt the provisions of RSA 36-A:4-a, I. (a) to authorize the Conservation Commission to expend funds to purchase interests in land outside the boundaries of our municipality, subject to the approval of the local governing body?

Second by Susan Shepcaro. Chair Sally King – Yes; Vice-Chair Suzanne McFarland – Yes; Mike Garvan – Yes; Jeffrey Gardner – Yes; Heather Reed – Yes; Susan Shepcaro - Yes. Motion passed.

The Commission agreed that education for the public will be important in regard to this article.

Member Shepcaro reported that there were grass clippings piling up at the recreation area by the pond. They have since moved them but it left a huge bare area. She stated that it needs some native plantings there or invasives will take over.

Chair King recommended that a letter be written to the Recreation Commission.

Member Shepcaro will follow-up with a letter to the Recreation Director, Lee Arthur.

VII. PENDING SITE WALKS

- 245 Pioneer, Tax Map 16 Lot 162-3

The Commission needs to go back to the property with the map – will be done in the spring.

- 5 Libbey Lane, Tax Map 16 Lot 162.3

Member Grote wrote the owners asking for permission to do a site walk.

- 45 Washington Road, Tax Map 017 Lot 073

Member Grote wrote the owners asking for permission to do a site walk.

VIII. CORRESPONDENCE – None

IX. BILLS – None

X. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (d) Acquisition

At 9:20 p.m. the Commission voted to go into Non-Public Session.

Motion by Jeff Gardner to go into Non-Public Session (1) per RSA 91-A:3,II (d) Acquisition. Seconded by Susan Shepcaro.

Chair Sally King – Yes; Vice-Chair Suzanne McFarland – Yes; Mike Garvan – Yes; Jeffrey Gardner – Yes; Heather Reed – Yes; Susan Shepcaro - Yes.

Respectfully Submitted,
Dyana F. Ledger