

TOWN OF RYE – CONSERVATION COMMISSION

Thursday, September 13, 2018

7:00 p.m. – Rye Town Hall

Present: Chair Sally King, Vice-Chair Suzanne McFarland, Mike Garvan, Jeff Gardner, Jaci Grote, Susan Shepcaro, Heather Reed and Jim Raynes.

I. CALL TO ORDER

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

II. PUBLIC HEARING

The purpose of the hearing is to discuss acquisition of a Conservation purchase of 79 +/- acres of land at 81 West Road, Map 6, Lot 9 and North Hampton parcels, Map16, Lots 5,6,7,8 owned by Patricia Brown.

Chair Sally King opened the Public Hearing at 7:25 p.m. by explaining that the Conservation Commission has been working with the Brown family for approximately five years in regards to this parcel. She pointed out that the parcel is a very interesting piece of property that had been logged sensibly about fifteen years ago. It has vernal pools on it. It has both uplands and wetlands. It's continuous with other conservation property, formerly the Rand property.

Chair King introduced Tracy Degnan from the Rockingham County Conservation District, explaining that Mrs. Degnan has been working with the Rye Conservation Commission to obtain funding opportunities. However, she also pointed out that the Commission has worked very hard over the years to leverage bond funding to make the funding go further and be able to purchase more land.

Mrs. Degnan explained that the town and Rockingham County Conservation have been working with Patricia Brown over the last two years in the funding application process. Mrs. Brown has enrolled in the Natural Resource Conservation Wetland Reserve Easement Program. This is the same program used in the purchase of the Rand (Wallis Road) Property. NRCS ranks the applications according to their ranking criteria. If there is funding available, the statewide projects are ranked according to their priority. Current projects are being funded through the 2014 Farm Bill. The Brown project was rated in the top five statewide. However, because this is the last of the funding from the 2014 Farm Bill there was limited funding available. All the funding went to support the top two projects this year. The Brown property application will be rolled into next year's program in October. Mrs. Degnan further explained that NRCS does not use an appraisal unless the parcel is over \$500,000. A geographical rate calculation is applied by

county to set the value. Rockingham county rates are high so the Brown Property came in at approximately \$494,000.

The Commission has also applied to the NHDES Aquatic Resources Mitigation Program for an additional \$75,000 for protection of the parcel through restoration and preservation programs.

Peter Crawford, 171 Brackett Road, asked for clarification of the funding and cost to the town.

Mrs. Degnan explained that it depends on the award from NHDES. Currently there is 1.2 million available for the water shed; however, there are requests for 4.2 million. The Rye application has been ranked highly. She pointed out that this parcel is in the Water Shed Protection Area. It all depends on the availability of funding. The costs to the town could be anywhere from \$55,000 to \$625,000.

Patricia Brown's cousin, Priscilla Metalious, gave a quick history of the property.

Joe Cummings, 990 Washington Road, asked if the town could buy Conservation land in any town.

Chair King stated that the Conservation Commission would not be interested in purchasing land in another town. This parcel is an exception due to it being continuous with Rye Conservation land. She explained that because 17 +/- acres are in North Hampton this purchase must go through the town vote in the form of an article on the warrant to see if the town wants to accept land in another town.

Tracy Degnan pointed out that there will be over 250 acres of conservation land preserved in this area.

During a brief discussion, it was noted that it is a two mile walk from West Road to South Road on the property. The town will have ownership of the land and NRCS will hold an easement. The owner has agreed to the water rights on the property, which is very important to the town. Currently, the Rye Water District is working with Wright-Peirce to identify potential sites for a new well. This property is on that list. An amendment to the conservation easement will outline the condition, allowing the owner (the Town) to look for water and possibly put a well on the property.

Mel Low, Washington Road, spoke in favor of the purchase. He stressed that this is a deal, especially with the water rights. Mr. Low stated that the only loss would be the loss of the tax value of the land, which would be about \$7,900. However, he pointed to the results of the South Road property where the lots are selling for approximately \$400,000 each.

Mr. Crawford stated that drawing down the money from the bond will increase taxes because the town will have to start paying on the principal and interest. He also had concerns that the "A-Q" process was not being followed. He pointed out that on the South Road property, the Board of Selectmen waived "A-Q".

Chair King reassured Mr. Crawford that the Conservation Commission is not by-passing the process. She explained that Attorney Donovan told the Commission to hold the Public Hearing first to get the public's support and then collect the data. The Board of Selectmen will hold another public hearing after review of the data and prior to giving their approval of the purchase.

Mr. Crawford questioned the actual acreage being acquired and if there was any hazardous material on the property.

Mrs. Degnan pointed out that if NRCS accepts this project there will be a survey and the land history shows that there has never been commercial activity on the property.

Chair King announced that there will be a public site walk scheduled.

There being no further comment, Chair King closed the Public Hearing.

Motion by Jaci Grote to close the public hearing at 8:15 pm. Seconded by Jim Raynes. All in favor.

III. APPROVAL OF MINUTES – August 09, 2018

- Amendment on Page #1: 24 Glendale Road, Tax Map ~~202-2~~, 20.2, Lot 129
Owner: Brian and Carrie-Ann Carson Andrew Gray, MSC Engineering/TF Moran
- Amendment on Page #4: If the commission receives the application earlier and can be acted upon. Should read: **If the commission had received the application earlier it could have been acted upon.**

Motion by Jaci Grote to approve the minutes of August 09, 2018 as amended. Seconded by Mike Garvan. All in favor.

IV. WETLANDS

- A. 1215 Ocean Blvd. Tax Map 17.3, Lot 06
Owner: John Samonas
Atty: Monica Kieser/Tim Phoenix
Eric Weinrieb Altus Engineering/JSN Engineering
Tear down: rebuild new-not same foot print

Eric Weinrieb of Altus Engineering presented the proposal. The property is the former Driftwood Tourist Cabins on the corner of Wallis Road and Ocean Blvd. Currently there are 16 Cabins along with a retail unit and a restaurant on the property. The plan is to take down the existing buildings and to construct eight, two-bedroom townhouse style condominiums. There will be four buildings of two units. Each unit will be 2,400 square feet and have a two car garage

exiting to the back of the property. There will be one drive into the property off Wallis Road. All current access onto Ocean Road will be discontinued, opening up the area in front of the property for parallel parking.

The current septic systems are all state approved but are in various stages of poor condition. One is located in the tidal wetland buffer. The property is in the A03 – A09 Flood Plan so the design will require everything to be elevated three to four feet. This will require filling in the buffer to raise the grade. Other variances listed on the application include height, front setback from 10 foot to 9 ½ foot, and septic system #4 in the 100 foot buffer. A special exception is required for the driveway to cross the 50 foot wetland buffer.

- **Site Walk scheduled for Saturday, September 15th, 12:00 noon.**

- B.** 20 Brackett Road, Tax Map 22, Lot 87
Owners: Donna and Edward Theobald
Gazebo

William Theobald, applicant, explained that he would like to put a 12x12 wooden, screened-in gazebo on the left side of his house in the buffer zone. It will be approximately 35 to 40 feet in the buffer on a piece of ledge. It will be about 10 feet above the high water mark. There will be no trees removed for this project.

- **Site Walk scheduled for Saturday, September 15th, 12:45 PM.**

- C.** 33 Pollock Drive, Tax Map 231, Lot 026
Owner: John Murtagh
Generator

John Murtagh, applicant, explained that he would like to install a generator on the west side of his house. The generator is approximately 2x4 feet and will be placed on a cement pad.

- **Site Walk scheduled for Saturday, September 15th, 1:15 PM**

- D.** 27/29 Parsons Road, Tax Map 20.2, Lot 48
Owners: Farideh Namazi and Massood Samii
Atty: Monica Kieser/Tim Phoenix
New Addition, New Second Floor, Septic, Move Shed

Alex Ross, Ross Engineering, presented the proposed addition to the house. It will be a small addition of just under 500 square feet. The owners also want to clean up the site by moving the shed closer to the house away from the wetland buffer. The current leach field is 30 + years old so the owners are proposing to replace it with a new leach field, along with a pretreatment AOS system, which will also be moved away from the wetland. Mr. Ross stated that the wetlands were delineated by Mark Jacobs.

- **Site Walk scheduled for Saturday, September 15th, 1:30 PM**

E. 140 Harbor Road, Tax Map 9.2 Lot 017

Owner: Donald K. Laing
Atty: Monica Kieser/Tim Phoenix
Eric Weinrieb Altus Engineering
New Home, New Septic

Eric Weinrieb of Altus Engineering presented the final drawings for this project. He explained that there have been no changes since the last time the Conservation met on this property. He stated that the wetland permit was applied for in February and granted in June. The Conservation did their original site-walk in March and the property was on the April 12th agenda. They are now in the process of moving on to the Zoning Board. Mr. Weinrieb pointed out that the property has no frontage. There is a right-of-way across Lot 2-15, the abutter to the west. There is currently no plumbing in the cottage and there is a ladder to the second floor loft area. The new addition, at 182x0, will double the existing size of the structure; however, the lot coverage is still 2.3%. The addition is to house a bathroom and stairs to the loft. The proposed addition is 22.4 feet from the fresh water wetland and 30.4 feet from the tidal wetland. The proposed septic system is a 2 bedroom AOS design with anti-float wings on the tank. The new leach field will be out of the flood plain and elevated 4 feet.

- **Site Walk scheduled for Tuesday, September 18th, 4:00 PM**

F. 24 Concord Point, Tax Map 17.4, Lot 47

Owner: Ed and Beth Parolisi
Generator

Note: Suzanne McFarland recused herself because the Parolisis are her neighbors.

Ed Parolisi, applicant, presented the project. He stated that he has already met with the building inspector and an electrical contractor. They have picked the highest point on the property to place the generator. This area is 60 feet from the creek and 70 feet from the ocean seawall. The generator is a standard size, 40 inches by 24 inches. It will be placed on a slab or on gravel, in both cases it will be anchored down. The project will need to go to the Zoning Board for a setback variance from 20 feet to 13.5 feet.

- **Site Walk scheduled for Tuesday, September 18th, 4:30 PM**

V. BILLS

1. Susan Shepcaro reimbursement for signs for the Town Forest - \$502.82

Motion by Jaci Grote to pay Susan Shepcaro in the amount of \$502.82. Seconded by Mike Garvan. All in favor.

2. James Verra And Associates–Rand Parcel/Town Forest-\$180.00

Motion by Jaci Grote to pay James Verra in the amount of \$180.00. Seconded by Mike Garvan. All in favor.

3. Alan Bucklin – Mowing for 2 months - \$739.00

Motion by Jaci Grote to pay Alan Bucklin in the amount of \$739.00. Seconded by Susan Shepcaro. All in favor.

4. Eversource – Electric - \$34.79

Motion by Jaci Grote to pay Eversource in the amount of \$34.79. Seconded by Susan Shepcaro. All in favor.

VI. CORRESPONDENCE

Member Shepcaro reported that she received an e-mail from **Brad Sterl, 8 Old Ferry Landing Road**, asking what materials would be recommended to extend the path to the marsh. She reported that she answered, “We recommend the owners continue to use the existing foot path to the marsh. Only extending it, if necessary, to reach the edge of the marsh. The foot path will remain a trodden path and no material may be added to the path.”

The Commission agreed with this answer but recommended checking with the building department to review the DES approval.

VII. SITE WALKS NEEDED FOR CERTIFICATE OF OCCUPANCY

- A. Schedule – 1314 Ocean Blvd. - Army, architects/building dept wants a sign off from RCC
 - **Site Walk scheduled for Tuesday, September 18th, 4:45 PM**
- B. Schedule – 1647 Ocean Blvd. - Quirk, planting of the berm eastwards 20 feet, building inspector wants a sign off from RCC
 - **Site Walk scheduled for Tuesday, September 18th, 6:00 PM**
- C. Schedule – 1174 Ocean Blvd. – MacLeod, Deck expansion application to DES, building inspector requested a site walk from RCC
 - **Site Walk scheduled for Tuesday, September 18th, 5:30 PM**

VIII. OTHER BUSINESS

A. Water Commissioners and Greg Smith from Wright-Pierce Engineering

Rescheduled for Monday, September 17th at 5:00 PM

B. Town Forest discussion

Robert Pruyne, JR., GISP, GIS Manager of Rockingham Planning Commission talked to the Commission regarding mapping of town trails. He explained that it is a simple process. An individual can walk the trail and software, called GISP Data Collector, will collect the data on an iPad or smart phone. The GISP sends the data directly to his computer, where it is manipulated and cleaned up into useable information for the mapping. He usually puts out a twenty map set for each town he works with, including such items as roads, aquifers and trails. The maps can then be downloaded to the town's website. The cost can vary from \$300 to \$700. These can be used to create signs and brochures for the Kiosks. The Commission agreed that this would be the way to go.

C. 1310 Ocean Blvd. Comeau

Note: Suzanne McFarland, recued herself because the Comeaus are her neighbors.

Mr. Comeau explained that they want to put pervious pavers over a gravel driveway, not changing the footprint of the driveway. The building inspector told the Comeaus that they need to get a DES permit.

- **Site Walk scheduled for Tuesday, September 18th, 5:10 PM**

D. Susan Shepcaro project

Member Shepcaro presented the proofs for the metal signs that will be posted in the leash areas of the Town Forest. The Commission agreed that the signs should be white with the words "RYE CONSERVATION COMMISSION" tripled in size. The town seal should also be larger.

Member Shepcaro also told the Commission that she needs to do some ground work on her personal property, which is in the wetland area. She asked the Commission if they would come out to her house and advise her on the project. The work will consist of some wetland planting and two trees being removed. The project should start within 8 to 12 weeks.

The Commission agreed to visit the site, to be scheduled in the near future.

XI. PENDING SUMMER 2018 SITE WALKS

- **245 Pioneer Road, Tax Map 024, Lot 118 – Sally will follow up**
- **335 Washington Road, Tax Map 016, Lot 122 – Jaci**
- **243 Parsons Road, Tax Map 19, Lot 103**
- **5 Libbey Lane, Tax Map 16, Lot 162-3 - Jaci**
- **45 Washington Road, Tax Map 017, Lot 073 – Jaci**
- **60 Park Ridge, Tax Map 19.4, Lot 1 – Jaci went by**
- **35 Recreation Road, Tax Map 012, Lot 083 – Peter Rowell sent e-mail asking for a site-walk.**

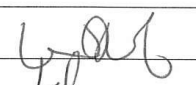
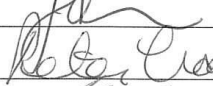
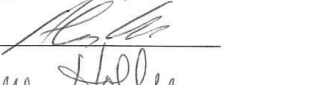
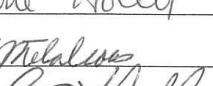

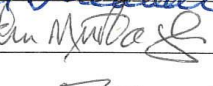
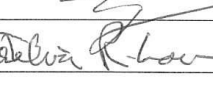
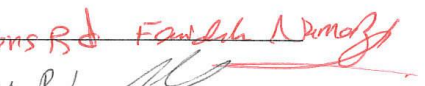
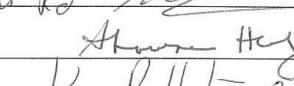
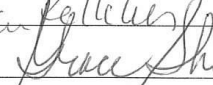
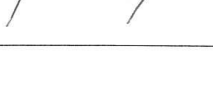
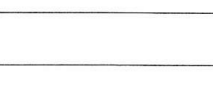


ADJOURMENT

Motion by Jaci Grote to adjourn at 9:43 p.m. Seconded by Suzanne McFarland. All in favor.

Respectfully Submitted,
Dyana F. Ledger

**Town of Rye Conservation Commission
PUBLIC HEARING
September 13, 2018, 7:00 p.m., Rye Town Hall**

The purpose of the hearing is to discuss acquisition of a Conservation purchase of 79 +/- acres of land at 81 West Road, Map 6, Lot 9 and North Hampton parcels, Map 16, Lots 5, 6, 7, 8, owned by Patricia Brown.

Name (please print)	Address	Signature
ERIC WEINSTEIN	ALTUS Portsmouth	
JOHN SAMONAS	111 BAN ST PORTSMOUTH	
Peter Crawford	171 Brackett, Rye	
Alex Ross	Ross Engineering Portsmouth	
Francine Holler	97 West Rd. Rye	
Livalla Melius	51 West Rd Rye	
Robert Holler	97 West Rd	
ED THEOBALD	20 BRACKETT RD	
JOHN MURTAGH	33 POLLOCK DR	
Robert Proune Jr	Rockingham Planning Commission	
MELVIN R. KHAN	650 WASHINGTON BL.	
Farideh Namazi	29-27 Parsons Rd	Farideh Namazi
Masoud Samii	29-27 Parsons Rd	
Shawn Henry	Ocean Blvd	
Karen Pelletier	22 Odorick	
GRACE SHEEHAN	2165 OCEAN BLVD	