

TOWN OF RYE – CONSERVATION COMMISSION

Thursday, November 8, 2018

7:00 p.m. – Rye Town Hall

Present: Vice-Chair Suzanne McFarland, Mike Garvan, Jaci Grote, Susan Shepcaro, Heather Reed.

Others Present: Beach Committee Members Stephen Hillman of 399 Central Road and Lori Carbajal of 18 Tower Ave.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Vice-Chair Suzanne McFarland called the meeting to order at 7:05 p.m. and led the Pledge of Allegiance.

II. APPROVAL OF MINUTES

October 11, 2018

Motion by Jaci Grote to approve the minutes of October 11, 2018 as presented. Second by Susan Shepcaro.

Site Walk Minutes – October 23, 2018

Motion by Suzanne McFarland to approve the Site Walk minutes of October 23, 2018 as presented. Second by Susan Shepcaro. 3 in favor; 1 abstain (Member Grote).

III. WETLAND APPLICATIONS

- None

IV. BEACH COMMITTEE – Port-a-Potty at Sawyers Beach

Steve Hillman, Beach Committee, expressed concerns regarding the possible placement of a port-a potty at Sawyer's Beach. He stated that at the October 22nd Board of Selectmen meeting some Rye residents requested a facility similar to the one at Cable Road. He added that the Selectmen have added money to the budget for the additional facility. Mr. Hillman added that he and Ms. Carbajal have been doing some research on the matter. He has reached out to the Department of Environmental Services, the Environmental Protection Agency and the Regional Surf Riders Foundation seeking information. He discovered that the New Hampshire Department of Environmental Services has a Beach Coordinator. Also, the New Hampshire Code of Administrative Rules has a section on portable toilets and marine sanitation. The RSA allows the placement but outlines the required regulations. The placement can not be closer than

33 feet to the water and must be removed within two weeks of an event or construction project. The owner of the unit may negotiate additional time up to 30 days. Mr. Hillman pointed out that the summer/beach season is 90 to 100 days. He stressed that random and storm tides would make it too close to the water.

Lori Carbajal, Beach Committee, stated that another concern is the environmental impact, if the unit was tipped over. She pointed out that DES has stated that the Town has full responsibility and liability for any hazardous cleanup. She also stated that it will be highly visible, which will not only interfere with neighboring residents' views, but will be highly used. The town cannot prohibit the general public from using it. It cannot be just for Rye residents. The increased volume of use will add to an increase in the traffic and trash issues. Ms. Carbajal added that the only time Jenness Beach is not accessible is one time a day, for approximately one hour. She concluded that there are more people against this idea than are for it.

Member Grote commented that she thought that the units are anchored down.

Vice-Chair McFarland stated that Eben Lewis of the DES, explained that if it is anchored down, it becomes a permanent structure and is not allowed.

Member Grote stated that this matter was presented to the Budget Committee as a Safety Issue. It is just a pilot program to see how it will work. She added that just because the funding is in the budget, doesn't mean that it will happen.

Member Shepcaro stated that she talked to one of the Selectmen that said that the Board of Selectmen have not decided and were just looking into the idea.

Member Grote pointed out that the environmental issues need to be looked into and the Board of Selectmen need to be informed of the DES requirements.

Vice-Chair McFarland read a statement from Eben Lewis of the DES stating that the DES will not rule on this matter. However, they are not in favor of this as a solution because of the potential threat to the water quality, if the structure malfunctions or is damaged. Vice-Chair McFarland asked what the Beach Committee will be doing and what the Beach Committee wants the Conservation Commission to do.

Mr. Hillman stated that he will be following up with DES. He also stated that he is planning to go to Sawyer's Beach to do some measuring.

Ms. Carbajal informed the Commission that in 2014, when the Beach Committee was involved in the commercial use of the beaches, it was brought to their attention that Sawyer's Beach was wetland and conservation. She also pointed out that is in the Rye Beach Precinct.

Vice-Chair McFarland suggested the Beach Committee talk to Frank Drake regarding this matter.

Member Garvan pointed out that there are two very important issues to be looked at; the safety issue and the environmental issue. He stated that the Beach Committee can address the safety issue. While the Conservation Commission can not address the safety issue, it can weigh in on the environmental issue.

It was agreed that the Beach Committee will share any information they receive regarding this matter with the Conservation Commission.

V. OTHER BUSINESS

Stephen Hillman spoke to the Conservation Commission regarding dune grass planting at 20 F Street and 2186 Ocean Blvd. He said that he noticed that there is an overabundance of new dune grass plugs on two properties on F Street. They are not just contained to the private property but are encroaching way beyond the 5-foot limit from the property line. He checked with DES and found that only one of the property owners got approval. It seems like the other property owner just piggy-backed on the first property owners project. He feels someone has taken liberties with what was approved.

Vice-Chair McFarland stated that she will look in the files to review the Conservation's approvals and they will follow up with a site walk.

VI. UPDATE – 0 Ocean Blvd, Tax Map 8, lots 58 & 59

Vice-Chair McFarland reported that there was a new revised plan submitted to Kim Reed, which was sent by Jones and Beach. There are no other updates at this time. It will go to the Planning Board next week.

VII. BILLS

1. **Rye Water District**
Goss Farm Water \$211.75
2. **James Verra And Associates**
Town Forest Mylars and Recordings \$545.25
3. **Alan Bucklin**
Mowing at Goss Farm \$215.50
4. **Michael Donovan**
Land acquisition consultation – West Rd \$262.50
5. **Edward Ireland**
Rototilling garden plots at Goss Farm \$100.00
6. **Rockingham Conservation Commission**
 - o West Road acquisition \$3,455.25

- Goss Farm maintenance \$102.00
- Wet Road acquisition \$967.78

7. **Eversource** \$ 34.89

Motion by Jaci Grote to pay bills as presented. Seconded by Mike Garvan. All in favor.

VIII. CORRESPONDENCE

- Member Grote reported that she wrote to the Catinos, the owners of 377 Brackett Road, and has been playing phone tag with them. However, they are agreeable to meet with Conservation for a site walk. It will have to be on a weekend because they both work.

She is still following up with Mimi White.

Vice-Chair McFarland stated she received a letter from Bobby Wylde, regarding a parcel at Hunterville. He stated that he uses it to access Pine Street. He pointed out that the area floods at certain times during the year and asked that the Conservation Commission have some fill put on the lot. Ms. McFarland stated that this parcel is wetland and cannot be filled. She will follow up with Mr. Wylde.

Member Shepcaro reported that she went to look at the land. She expressed concern that there is a clear path through the parcel and a lot of yard debris that has been dumped on the property.

The Commission agreed to have Alan Bucklin clean it up.

Member Garvan suggested controlling the parcel by adding more native plantings. He pointed out that more vegetation will help with the flooding. Also, the invasive should be removed.

Member Shepcaro stated that there is a “No Dumping:” sign. A letter should be sent out to all the abutters reinforcing that it is Conservation land and there should be no dumping.

Member Reed suggested a plaque be put up.

Member Garvan agreed. The plaque should have the name of the person that donated the land and state that it is Conservation Land. He will work on getting the plaque.

Member Reed will pick out the plantings.

Member Shepcaro will contact Alan Bucklin.

- Vice-Chair McFarland noted that she received notice from Kim Reed regarding a subdivision at 85 Brackett Road. She responded back to Kim that it has not come before the Conservation Commission yet. The Planning Board is scheduled to meet on it next week.

Member Grote said that she will follow up with Kim Reed on this project.

- The building department has asked that the Conservation Commission drive by 195 Brackett Road, owner Wes Pike, to inspect cutting on a back lot.
- There was also a complaint regarding Ray's Seafood. The lobster bodies are being used in the garden, in the back part of the property, as compost, which is attracting rats.

Vice-Chair McFarland stated that she has notified the Health Officer, Dr. Snow. Peter Rowell did an inspection and a letter will go out. The Conservation Commission will be copied on what the action will be.

IX. OTHER BUSINESS

A. Budget Update

Member Grote reported that she presented the Conservation Budget to the Budget Committee. Next year's budget will be the same as 2018's budget in the amount of \$90,000. She stated that approximately \$35,000 has been spent so far this year. There is \$30,000 for land acquisition that will be encumbered for the West Road property.

Vice-Chair McFarland noted that Jim Verra has not submitted the proposal for the Marden Woods and Pokorney properties.

B. Invasive – Jaci

Member Grote reported that she was contacted by Dominique Winebaum concerning the way the transfer station handles Japanese Knotweed. Ms. Grote said that she will talk to Dennis McCarthy to find out how they are handling invasive. She will also talk to Tracey Degnan to find out if Rockingham Conservation can provide information on invasive and how to properly handle them. She will bring the information to the December meeting.

Member Garvan suggested writing a letter to the Selectmen informing them about the issue.

Member Grote suggested using the Rye Newsletter to educate town residents about invasive.

C. December meeting presentation 6:30

Vice-Chair McFarland stated that Alyssa Garrison, Program Manager of the Climate Adaptation Program, will be at the December meeting to talk. She is from the UNH Extension SEA Grant Program. She will be talking about the wetland inventory, salt marsh migration and the public water supply.

The Commission agreed to start the meeting at 6:15 for that night.

D. Trailgate

There was discussion regarding the signs. It was decided that the signs will be put up on December 1, 2018.

E. Pending site walks/project completions - Tabled

F. Site walk for 121 Lang Road - Warner, deck-building department

Vice-Chair McFarland stated Member King has not had time to work on this. The building department has stated that there should not be a deck at all because there was no permit and there are wetlands. These are new owners and they did not put on the deck. A site walk will be set up on Friday, November 16th at 4:00 pm.

G. Scheduling and Monitoring Conservation Properties

There was discussion regarding the need to have a work session in January in order to set up a schedule for monitoring all conservation properties. All agreed.

H. Simpson Property – Follow up

Member Garvan reported that he followed up with Mr. Simpson regarding the required buffer on his property. He stated that the five-foot buffer has not been planted and Mr. Simpson is pushing back on the requirement. It was agreed by the commission that the requirements and conditions were clearly outlined to Mr. Simpson, prior to the improvements being made and that he should be held to fulfilling them. Member Garvan stated that he will follow up with a letter to Mr. Simpson.

I. Minutes approval and Bill paying

There was discussion regarding the approval of the minutes and bills. It was agreed that the approval of minutes and the bills will be moved to the end of the meetings. Also, bills that are under \$1,000 will be paid automatically and do not require a review and a vote from the commission.

J. Pokorney Survey

Vice-Chair McFarland stated that she contacted James Verra in regards to the survey on the Pokorney property on Appledore and Parkridge. That property has already been done so she sent Mr. Verra an e-mail asking him to find the monuments. If they are missing, he will have them replaced so that the commission can put up the signs.

K. Marden Survey

Vice-Chair McFarland reported that the front part of the Marden property, coming off of Washington Road, has been surveyed; however, the back portion is extremely wet. James Verra stated that he will have to wait until it freezes over in order to access the back portion.

ADJOURNMENT

Motion by Jaci Grote to adjourn at 8:42 p.m. Seconded by Mike Garvan. All in favor.

Respectfully Submitted,
Dyana F. Ledger