

RYE CONSERVATION COMMISSION
Thursday, December 21, 2017 – 7:00 p.m.
Rye Town Hall

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

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

Alternate Jim Raynes was seated for Jaci Grote.

II. APPROVAL OF MINUTES

- **November 16, 2017**

The following corrections were noted:

- Page 4, 1st paragraph, 5th sentence should read: **The letter noted that there may be opportunity here for improvement and the Commission would look at the proposal again should it be improved.**
- Page 8, 4th paragraph, 1st sentence should read: **Member Grote stated that the lot was subdivided by Mr. Ceely.**
- Page 9, 1st paragraph, 1st sentence should read: **Leslie Stevens, Farmer for Goss Farm, stated that all the grants that were a part of Goss Farm have been completed.**
- Pages 5 and 8, it should be noted: **Alternate Reed should be Member Reed.**

Motion by Jim Raynes to approve the minutes of November 16, 2017 as amended.

Seconded by Suzanne McFarland. All in favor.

III. WETLANDS

- A. 300 Pioneer Road, Tax Map 24, Lot 11, Owner Chuck Sampson**

New building within the wetlands buffer, garage and deck

Note: Proposal was brought before the Commission at the previous meeting on November 16th and presented by Steve Riker, Ambit Engineering. The Commission held a site walk at the property on December 6, 2017.

Member Gardner noted that he was on the site walk. The proposal is 30ft from the marsh where 100ft is required. He was hoping to see something outside 50ft at least.

Chuck Sampson, applicant, stated that it is a previously developed buffer zone, which is treated by DES quite differently than a developed buffer zone. Also, it is a gravel driveway which is considered an impervious surface. He noted that he has agreed to buffer plantings and moving the generator to another location. He thinks the impact to the wetlands is minimal. He continued that one of the main concerns of DES is undeveloped tidal buffer zone areas. DES does not even discuss the developed areas. He does not think his project will be a concern to DES. He stated that if the commission is concerned about water runoff, he would be glad to try to mitigate additional areas. He has talked to Mark West about putting together a design for buffer plantings near the saltmarsh. There was also discussion about putting some plantings behind the garage.

Member Shepcaro commented that they also discussed a raingarden.

Mr. Sampson stated that it was determined that the buffer plantings would take care of that. If there are concerns about the existing pipe off the side of the house that is used for runoff, he does not have a problem with covering that up with plants.

Vice-Chair McFarland stated that she could not remember why the existing shed was not being taken down, with a two-story garage being built, so there would be one less building on the site.

Mr. Sampson explained that it is a nice shed and he needs it. It is a well-built shed and he is hoping to keep the garage to just one-story for two cars. He would like to keep a low-profile roof on the garage.

Chair King stated that she would love to see one structure there as well. Just because it has been previously developed is not a reason for further development in her mind. She would also love to see more mitigation, such as pavers.

Mr. Sampson noted that pavers were also discussed at the site walk. He agreed to the pavers. He pointed out there will be much less runoff because of the impervious area that is being put in. The garage is going to be going in an area that is primarily gravel. The previous driveway and the plantings more than offsets the runoff.

Chair King asked about the direction of the water.

Mr. Sampson explained that the design prepared by Ambit Engineering has dripline trenches along the garage.

Vice-Chair McFarland noted that she had concerns with the enlargement of the deck and the porch.

Mr. Sampson stated that if the commission has concerns he can change the plan to just a deck. The plan is for a screened porch and a deck.

Chair King stated that she would like to see the plan changed to just a deck. That way it will not become another room in the future.

Alternate Raynes stated that he can see where a screened porch would be better because of the mosquitos.

Vice-Chair McFarland commented that she does not have an issue with having a screened porch and a deck.

Member Gardner commented the concern is having a building 30ft from the marsh when 100ft is required. He noted the “previously disturbed” is a gravel driveway that was plowed with gravel being pushed further into the buffer. There was not a building there.

Mr. Sampson stated that Vice-Chair McFarland had a great idea for the driveway. The driveway is currently an impervious surface. By making it a pervious surface, it will improve the runoff.

Vice-Chair McFarland commented that this is why she feels better. There will be an entire area that will soak up the water before it gets closer.

Member Garvan stated that if nothing was being built in this area, Mr. Sampson would not be required to restore it and rip up the disturbed area.

Mr. Sampson noted that he is not sure the driveway will be pavers but it will be a pervious surface. The generator is also going to be moved.

Chair King stated that if everyone is okay with the proposal they need to be very specific in the letter to the ZBA.

Vice-Chair McFarland noted that they discussed 5ft of native plantings behind the garage, the length of the garage.

Mr. Sampson noted that the size of the garage is going to be reduced to 22x22.

Member Garvan asked what is going to be done about the pipe that is discharging into the buffer.

Mr. Sampson stated that it probably should not be removed because it is channeling the runoff from the roof of the house. He commented that maybe gravel could be put in there.

Member Garvan commented they would rather see gravel close to the existing structure, rather than the pipe being out in the buffer as it is now.

Mr. Sampson noted that the pipe could be cut back to where it exits the soil, with it being dug out and gravel being added. He will speak with Steve Riker at Ambit about a design.

After some discussion, it was agreed that Member Garvan would draft a recommendation letter regarding what they have agreed to with it pending a design for the roof discharge. Once that is received, a final recommendation letter will be sent to the ZBA.

IV. STATUS OF RESTORATIONS

A. 25 Appledore, Tax map 19.4 Lot 52

NH DES is not going to pursue this further. Building Inspector, Peter Rowell, took this to Attorney Donovan to see if the town is going to pursue this or not.

Vice-Chair McFarland will follow up with the building inspector to see if the parcel is still being mowed.

B. 245 Pioneer, Tax Map 024 Lot 118

Chair King noted that the gravel in the 50ft buffer was removed, which was requested by the commission. The gravel was replaced with heavy woodchips and some of the plantings were non-native. The owner did not follow through with the requests from the commission. This will be on-going and the commission will continue to follow.

C. 335 Washington Road, Tax Map 016 Lot 122

Chair King noted that the last she checked on this property, the pond was 90% restored. She has told the building inspector that the commission would like to revisit the property and will continue to follow the progress.

D. 243 Parsons, Tax Map 19 Lot 103

Vice-Chair McFarland stated that a letter and photos were received from Steve Riker, Ambit Engineering. The letter and photos were also sent to DES.

It was agreed that the commission should revisit this in the spring to close it out, along with other properties that have been completed. A letter will also be sent to the property owners informing them of the follow up by the commission.

E. 60 Park Ridge, Tax Map 19.4 Lot 17

Chair King stated that Urban Tree Service will be at the property on January 22nd for the cutting of the trees that were agreed to be cut. She will follow up with the property owner to let them know that the trees need to be clearly marked. She will also speak with them about the replacement of the trees.

Vice-Chair McFarland pointed out that one tree is being limbed and not taken down. The owners are also going before the ZBA.

Chair King explained they are putting in a garage on the other side of the house.

Vice-Chair McFarland stated that she spoke with Dennis McCarthy, Public Works Director, about the strip of pavement that is not on that land but is actually on conservation land. The pavement is not needed by the DPW. They do not use it for plowing or turning their vehicles around. If they get into any kind of give and take, the commission could request that this all be ripped up by the property owner.

Chair King commented that she will speak with the owners about a restoration plan being submitted to the commission.

F. 35 Recreation Road, Tax Map 012 Lot 083

The commission has not received any further information. Chair King will follow up with the property owner.

G. 200 Parsons Road, Tax Map 19 Lot 115

Vice-Chair McFarland noted that Attorney Tim Phoenix has been hired to represent the property owners. The driveway was paved, which is located in the buffer. The gravel was taken out before paving and dumped in another area within the buffer. This will be brought to the commission in January and taken to the ZBA.

H. 45 Washington Road, Tax Map 017 Lot 073

Chair King stated that the last she heard the property owner was supposed to come up with a restoration plan. A plan has not been submitted to the commission. Follow up with the property owner is needed.

V. BILLS

- Attorney Michael Donovan - \$822.50

Motion by Susan Shepcaro to pay Attorney Donovan in the amount of \$822.50. Seconded by Sally King. Vote: 6-0-1 Abstained: Suzanne McFarland

- Encumbered- Goss Farm stone work - \$4000.00 to \$4500.00
Chair King noted that approximately \$4,500 will be encumbered from the 2017 Budget for this work to be completed on the Goss Farm.
- City of Portsmouth – 0 Lang Road – 1.83 acres (portion of Rand property that is located in Portsmouth) - \$366.00 (half year's taxes) – Valuation: \$47,600
Chair King noted that this parcel is wet and landlocked. She has picked up the paperwork to file for an abatement because she does not feel it is worth that value. One option the commission has is gifting the parcel to Portsmouth Conservation; however, research would need to be done to see if this can happen. She also noted that Portsmouth has never charged for this parcel before it was subdivided. They did not know it existed.

VI. CORRESPONDENCE

- A notice was received from NHDOT regarding work that is planned for paving and upgrades on Route 1, beginning at the Town of Hampton and continuing through North Hampton and Rye to Peverly Hill Road in Portsmouth. A tentative date for the project to start is February 20, 2018.
- A copy of a letter sent to the Board of Selectmen from resident Shawn Joyce was received regarding dogs running at large and trespassing on posted land.
(The letter is on file in the Board of Selectmen's Office)
- The Conservation Commission received an abutter's notice for a proposed cell tower at 120 Brackett Road. A variance for the proposal is needed from Ordinance 505.3 for the tower to be installed on privately owned land. The proposal is being heard by the ZBA at their meeting on January 3rd.

VII. OTHER BUSINESS

A. Town Forest

Member Garvan noted that signs were posted regarding the control of lose dogs by their owners. The signs were posted at three or four access points and at the recreation area access point. He continued that Dave Tilton has been trapping coyotes and anything that gets into the traps. Dogs have inadvertently been caught in the traps. Member Shepcaro, Chair King and he have met with Police Chief Walsh about this. Chief Walsh brought in the area Conservation Officer from Fish and Game to discuss how to deal with conflicts between private landowners, public use of land and hunting/trapping. At this time, he is not sure how that discussion turned out. He has not heard back from Chief Walsh. *(He presented a new sign that Mr. Tilton has posted along the edge of his property alerting people that active trapping is taking place on his land and he is not responsible for dogs being caught in the traps. The sign also cautions dog owners that it is against the law to trespass on private property to release their dogs.)* He commented that in spite of the Conservation Commission's best efforts, there has been a steady escalation of this issue. He noted that Member Shepcaro made a number of signs that she posted along the border of Mr. Tilton's land with his permission.

Member Shepcaro stated the someone took the signs down about the time that Mr. Tilton started trapping.

Member Garvan stated that no sooner had the signs been posted the trapping escalation occurred. The hope is that they can give it some time and start an education process with Chief Walsh. A letter with the language from the signs could be given out to people when they license their dogs.

Member Shepcaro noted that she has handed out 22 letters and the Animal Control Officer has also distributed some.

Member Garvan pointed out they have been proactive in trying to accommodate some of the things that have been happening on private property. He continued that recently there was also a shooting incident, which also relates to dogs being under control. *(This incident is under investigation with the police department at this time.)* He stated that people in New Hampshire have the right to conceal carry but institutions and private businesses are allowed to prohibit that. He is not sure if this can be prohibited in the Town Forest.

Chair King noted that this incident did not happen in the Rye Forest. It happened at Rye recreation in the dirt parking lot area. She continued that the Conservation Commission was not even allowed to put a sign in that area because recreation did not want people thinking it was part of the Town Forest. It is important that this be noted.

Member Shepcaro stated she is concerned because there are some people who are going to be marking a trail for kids through the Town Forest to the recreation field. There should not be firearms where children may be walking or riding their bikes.

There was discussion on possibly banning firearms from the Town Forest. There was also discussion on restricting access to the Town Forest to Rye residents only, which is clearly allowed under the easement. It was agreed that the commission should look further into these options and they should be taken into consideration along with the Forest Management Plan being updated by Charlie Moreno. A public hearing for the Forest Management Plan will be held by the commission in the near future.

Member Shepcaro stated that fencing should be considered as soon as possible.

Member Garvan agreed.

Motion by Suzanne McFarland to fence the areas where dogs have been wandering onto private properties and being trapped, as recommended by Mike Garvan and Susan Shepcaro. Seconded by Susan Shepcaro. All in favor.

B. Tree cutting and non-buildable land process with building inspector

Member Shepcaro agreed to follow up with the building inspector before the next meeting.

- Member Shepcaro reported that she reached out to the UNH Cooperative Extension in regards to farming at Goss Farm. They asked her to get back to them after the first of the year. She will follow up and keep the commission updated.

VIII. NON-PUBLIC SESSION

(1) per RSA 91-A:3, II (e) Legal

(2) per RSA 91-A:3, II (d) Acquisition

At 8:16 p.m., Jim Raynes made a motion to go into non-public session per RSA 91-A:3, II (e) Legal and (d) Acquisition. Seconded by Susan Shepcaro.

Roll Call: Suzanne McFarland – Yes, Mike Garvan – Yes, Jeff Gardner – Yes, Susan Shepcaro – Yes, Heather Reed – Yes, Jim Raynes – Yes, Sally King - Yes

At 9:00 p.m., Mike Garvan made a motion to come out of non-public session. Seconded by Suzanne McFarland.

Roll Call: Suzanne McFarland – Yes, Mike Garvan – Yes, Jeff Gardner – Yes, Susan Shepcaro – Yes, Heather Reed – Yes, Jim Raynes – Yes, Sally King - Yes

Motion by Mike Garvan to seal the minutes of the non-public session just held. Seconded by Jeff Gardner. All in favor.

- Vice-Chair McFarland stated that she has posted the process that an applicant would take to go before the Conservation Commission. This is posted on the town's website. A checklist format was given to the Town Clerk's Office for when they receive an application for the Conservation Commission.
- Vice-Chair McFarland will be attending the Selectmen's Meeting on December 26th to support the formation of the Bureau of Ocean Energy Task Force to study offshore wind energy. The Rye Energy Committee will be speaking with the Selectmen asking for a letter to be sent to Governor Sununu encouraging the formation of the task force for New Hampshire, which is the only eastern state that does not have a task force at this time. In order for the State to be considered for benefits or any federal money, there has to be an Ocean Energy Task Force. She noted that if the Selectmen are not in support of the task force, she will be proposing a citizen's petitioned warrant article at town vote in March.
- Chair King commented that at the next Selectmen's meeting the Selectmen will be discussing and voting on whether or not residents should be allowed to prepay their property taxes.

ADJOURNMENT

Motion by Sally King to adjourn at 9:10 p.m. Seconded by Susan Shepcaro. All in favor.

Respectfully Submitted,
Dyana F. Ledger