

**RYE CONSERVATION COMMISSION
MEETING**

**Thursday, June 13, 2019
7:00 p.m. – Rye Town Hall**

Selectmen Present: Chair Sally King, Vice-Chair Suzanne McFarland, Mike Garvan, Jeff Gardner, Jaci Grote, Susan Shepcaro, Heather Reed, Danna Truslow and Karen Oliver (arrived at 7:44 p.m.)

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

- **May 9th meeting minutes**

The following corrections were noted:

- **Page 4, 5th paragraph, 1st sentence should read: The ZBA heard the new application and decided to not continue it until RCC could provide comments.**
- **Page 5, 3rd paragraph, 1st sentence should read: Member Shepcaro pointed out that Karen and Danna already know what we do and have been involved with the commission.**

Motion by Mike Garvan to approve the minutes of May 9, 2019 as amended. Seconded by Suzanne McFarland. All in favor.

- **Site Walk minutes of April 15th, April 25th, May 16th and May 21st**

Motion by Jaci Grote to approve the site walk minutes, as a package, as presented. Seconded by Suzanne McFarland. All in favor.

New Conservation Commission Alternate Danna Truslow introduced herself. She has lived in Rye since 1998 and serves as a member on the Rye Energy Committee. She has a hydrology consulting firm based in Portsmouth and has done consulting work for the Planning Board.

Chair King welcomed Danna to the commission.

III. WETLANDS

- A. 1215 Ocean Blvd, Tax map 17.3, Lot 06
Owner: Samonas Realty Trust, John Samonas Trustee
Altus Engineering, Eric Weinrieb
CJ Architects
Tear down, build new structures, new septic systems

Eric Weinrieb, Altus Engineering, stated that this is the fourth time this project has been before the Commission. Very little of the design has changed since the project was first presented. He presented a copy of the plan that was submitted before the Board of Adjustment. He pointed out on the plan the location of the septic tanks that are within 100ft of the tidal marsh, which by zoning ordinance need to be at least 100ft. This was noticed by the Building Inspector, which required the application to go back before the BOA. He noted that the leachfields will be well beyond 100ft. He continued that one tank is at 88ft, one is 85ft and the other is 90ft. The Alteration of Terrain (AOT) Permit has been received from the State. The application has also received Shoreland and Wetland Permits from DES. The Army Corps of Engineers has acknowledged that they have no jurisdiction. Sebago Technics, on behalf of the Planning Board, has reviewed this multiple times and they have no further concerns. The Planning Board has hired Waterford Engineering to do a peer review of the sea-level rise and surge impacts to the project. They issued a technical memorandum with six recommendations. All of those recommendation will be complied with and most have been incorporated into the design already. CEI Engineering completed a floodplain impact design to review the methodology, which was already approved by DES. CEI had no issues. (He read the comments from CEI based on the septic design.)

Chair King noted that the Planning Board will be holding a site walk at the property on June 25th. She asked the applicant if the Commission should conduct their site walk at the same time.

John Samonas, applicant, confirmed. He went on to note that this proposal will eliminate 15 to 16 cottages and five antiquated leachfields. This plan is the exact plan that the Commission saw in January and made recommendations on. The plan was immediately changed to incorporate the Commission's recommendations. The plan came back before the Commission in February and there were some concerns about fill. He noted that 2ft of fill has since been eliminated from the proposal. The proposal is eliminating a restaurant, a swimming pool and taking away, what is currently, a bad situation. The proposed state-of-the-art septic systems have sealed tanks so they will not leak into the marsh, as they do now. There are many positives to what is being proposed and a lot of thought has gone into the design.

Mr. Weinrieb gave more details about the design of the proposed septic systems. He noted that the only real change to the design is the drop in grade for each building; however, the grade to the systems will remain as to what was first proposed. (He presented the landscape buffer plan to the Commission, which is based on their recommendations.)

Mr. Samonas commented that over a half acre of asphalt is also being eliminated from the site. There will be no asphalt on the site upon completion of the project.

Mr. Weinrieb noted that porous pavers will be used for the drive and access ways.

Chair King requested that the proposed locations for the tanks be marked for the site walk.

Mr. Weinrieb agreed.

Vice-Chair McFarland asked for clarification on the fill.

Mr. Samonas noted that the existing property grade starts at elevation 7. The existing elevation of the road is at elevation 9. The site needed to be brought up 2ft to the roadway level. The floor of the garages will be at elevation 10. The adjacent highway (Route 1A) is at elevation 9, so the buildings will be 1ft above the roadway.

Mr. Weinrieb commented that floodplain fill computations have been vetted by Emily DiFranco (Scientist at Hydroanalysis, Inc.) and NH DES. The fill in the floodplain is 1600cy. The fill within the 100ft buffer is 1480cy. The total site fill is 3480cy.

Mr. Samonas noted this is 40% less than what was previously proposed.

Chair King asked why there will be fill in the buffer.

Mr. Weinrieb explained they have to get the grade from Wallis Road up to the driveway, which is at elevation 7.

Chair King noted that the Commission's understanding, from the first presentation and the first site walk, was that no septic systems would be within the buffer.

The other members agreed. They also agreed that any of their previous recommendations and correspondence with Eben Lewis, DES, was based upon that assumption.

Mr. Samonas explained that the plan has not changed and what is now being presented is the same plan. He further explained that his engineer found a different buffer line than what was noted previously. There is a freshwater wetland line that was not found or discussed during a previous application for a beach club. What has caused these concerns, is the new information on the wetlands. He pointed out that he is only 10 to 15ft to the 100ft.

Vice-Chair McFarland read a letter received from Judy Scott, representing the 'Concerned Citizens of Rye Wetland' expressing concerns with the proposal.

Chair King opened to the public for comments.

Grace Sheehan, 2165 Ocean Blvd, expressed concerns about the height of the buildings and the density of the project.

No further public comments were heard.

- **Site Walk scheduled for Tuesday, June 25th, 5:00 p.m.**

- B.** Ray's Seafood Restaurant
1677 Ocean Blvd, Tax Map 013, Lot 12, 13, 14
Owner: Andy Widen
Emanuel Engineering, Bruce Scamman
Installation of a septic system

Bruce Scamman, Emanuel Engineering, presented the proposal for the installation of a new septic system for the property located at 1677 Ocean Blvd, site of Ray's Seafood Restaurant. Currently, there are two holdings tanks for the septic system, which are pumped on a regular basis. (He pointed out on the plan the tanks located under the deck and one in the parking lot.) He noted that they have been working with the neighbor, DES and the town on this project. The town has asked for some drainage improvements to the site. He continued that the proposal is for two leachfields in the front, which will alternate usage. There will be a series of four tanks in the lower part of the parking lot. (He reviewed the plan for the new septic that is based on a 104 seat restaurant with a 23 seat bar.)

The Commission reviewed and discussed the plan with Mr. Scamman.

Mr. Scamman reiterated that the town has asked for them to look at the drainage. They are going to dig out where the shed was located. A riprap berm is going to be added with stone to try to collect debris that could be flowing across in a storm event. Where it is all sand, the stormwater would percolate down and infiltrate the soil below the stone. He noted that they are currently working with DES on the proposal. DES is fine with the septic system. It is the drainage structure and the encroachment into the tidal marsh area that is the concern. Some of that area is already previously disturbed. (He explained the details for the riprap.) He noted that they are also putting in a 24" silt sock to direct the water and keep it on the property. Over a few years, the area will vegetate and make a natural berm. It was felt that this would be the least impact possible along the side property line.

Vice-Chair McFarland asked if they have any proposed plantings.

Mr. Scamman replied not at this time.

Member Grote commented that they may want to consider plantings.

Alternate Truslow asked how far above the water table the septic fields will be.

Mr. Scamman replied they are 30" above seasonal high water table. The septic tanks go below sea-level, 2 or 3ft.

Luke Hurley, Gove Environmental, spoke about the drainage/stormwater treatment plan, which he is working on with Eben Lewis, DES.

Chair King asked if the applicant has a deadline in which the system needs to be completed.

Mr. Scamman replied that the number of seats the restaurant can operate with will be less until the new system is installed. The intent is to install the system in December, when the restaurant is closed.

Chair King opened to the public for comments. None were heard.

- **Site Walk scheduled for Wednesday, June 19th, 4:30 p.m.**

- C. 4 Washington Road, Tax Map 013, Lot 040
 Owner: Jay Mason, Jacqueline Doherty
 Ambit Engineering 2015 plan John Chagnon
 Tear down and build new structure

John Chagnon, Ambit Engineering, spoke to the Commission about the proposal for 4 Washington Road to tear down the existing structure and build a new home on the property. One of the proposals is to move the location of the house away from the neighbors' home next door. There is a freshwater wetland in the rear of the property. The line that is shown on the plan, which goes through the proposed structure, is the buffer line.

Jay Mason, applicant, presented the proposed design plan to the Commission. He noted that the further the proposed home is pulled back, to give some light and air between him and the neighbor, the closer it gets into wetland issues. The freshwater buffer goes through the existing home and also the two proposed designs that have been presented. The only piece of the lot that could be built on, without going into the setback, is a small, triangle that is not feasible for building. He continued that the home he is proposing to build is about the same amount of impervious area that is existing currently. The proposal (scheme #2) is for a 1434sf footprint. He understands there is a requirement to stay under 15% of the lot size for building coverage.

Mr. Chagnon noted the total impervious coverage cannot exceed 30% so the intent is to keep the building around 15% coverage.

Mr. Mason continued that the proposal is for a solar home with minimal impact. The intent is to stay at, or less, than the existing impervious area. The driveway and paths will be pervious. The intent is to keep the existing lilacs that line the back of the property and the ones that are in front. They are also proposing organic fertilization and rainwater harvesting. He pointed out that both schemes (A1, closer to the wetlands, and A2, smaller footprint more central on the lot), stay within the dimensional setbacks almost entirely, with a small southern piece facing Ocean Boulevard. He feels they should work with the plan that has the smaller footprint because it gets the house, as far as reasonably possible, from the wetlands.

Member Garvan asked how much of the proposed home will be in the wetland buffer.

Mr. Mason replied that it would be about 750 or 800sf.

Member Garvan asked how much of the existing dwelling is in the buffer.

Mr. Mason replied about half of the garage so it is about 300sf.

Mr. Chagnon noted that there is an existing septic in the back yard that is within the 100f. This will be the location for the new septic. As a trade-off, they will be proposing an advanced treatment system with a smaller leachfield. Zoning relief will be need for the setbacks to the septic system.

- **Site Walk scheduled for Wednesday, June 19th, 5:15 p.m.**

- D.** 59 West Atlantic Ave, Tax Map 084, Lot 002
Owner: Brenda P. Murray
Millenium Engineering
Tear down and build new structure

Attorney Tim Phoenix, representing the applicant, spoke to the Commission in regards to the proposal for 59 West Atlantic Ave, which involves an off-site vernal pool within 100ft of the structure. The plan is to tear down the existing cottage, which encroaches about 6ft into the existing right-of-way. The new home will move a little closer to the vernal pool; however, the pervious driveway will be moved to the far side of the house. The distance from the vernal pool with the existing house is 107ft. The proposed house location will put the building at 66ft and there is an existing shed that is 70ft. The intent is to move the shed to get it out of the front setback; however, the owner is fine with leaving the shed in its location if the Commission feels it is necessary. The owner has also agreed to not cut down any of the trees, other than the ones for the house. (He read from the letter from Mark West, West Environmental, with regard to the existing vernal pool.)

Member Grote asked if the existing and new home are about the same square footage.

Attorney Phoenix explained that the existing structure coverage is 853sf and the proposed is 840sf.

- **Site Walk scheduled for Wednesday, June 19th, 6:00 p.m.**

- E.** Schedule site walk, tree removal
170 Brackett Road, Tax Map 022, Lot 102
Owner: Christina Scognamiglio
Tree removal form from building department

Vice-Chair McFarland noted that this came about because the property owner did not know about the form for cutting down trees and there are wetlands behind the house. The intent is to cut down six trees on the property. The Building Inspector has requested a site walk from Commission as soon as one can be scheduled.

- **Site Walk scheduled for Wednesday, June 19th, 4:00 p.m.**

- F.** 480 Sagamore Road
For a new fence

Vice-Chair McFarland noted that the property is across the street from the elementary school and adjacent to wetlands.

The Commission reviewed the location on the map for the proposed fence.

Chair King pointed out that the Building Inspector has said that the wetlands are under an acre. He questioned whether a special permit would be needed.

- **Site Walk scheduled for Tuesday, June 25th, 4:30 p.m.**

G. 11 Washington Road

Vice-Chair McFarland stated that the Building Inspector has asked the Commission to go back to the property to look at the work that has been done. The realtor would like to be present when the Commission visits the site.

- **Site Walk scheduled for Saturday, June 15th, 11:00 a.m. for any members who are available, as only a few are needed to revisit the site.**

IV. OTHER BUSINESS

1. Update Rand conservation pathway, Ed Hayes and condominium owners

John Safford, Sea Glass Lane HOA member, stated that at the previous Conservation Commission meeting there was a discussion about asking the developer of Sea Glass to remove the sawdust that is on conservation land. He inquired about the status.

Chair King stated that she spoke with Ed Hayes, one of the owners, about a month ago. The ownership was supposed to transfer to the condominium association;; however, for some reason, that has not happened. She contacted Attorney Donovan who is reviewing the situation. She thinks a letter from Attorney Donovan would be more effective. She has asked the owner over the years many times and has not been successful with getting them to remove the sawdust. The Commission also wanted wetland boundaries put in, which was a requirement of the Planning Board; however, that has not happened either. She reiterated that Ed Hayes has not been in contact with her. She assumes that Attorney Donovan will be sending a letter to the owners soon.

2. Seacoast Velokids

Member Garvan noted that Seacoast Velokids has been holding their program, on the conservation land at the Rye Airfield, for a number of years and have not been back to speak with the Commission, since their original request. He is not sure if they have presented insurance or have gone through the Selectmen process.

The Commission agreed that they should not be using the land without going through the proper process. Member Garvan will contact Chief Walsh to make sure that the proper permits and insurance are in place.

3. Next Rye Newsletter – dedication of land to James Raynes

Chair King will work on an article for the upcoming newsletter. It was agreed that members should also contribute to the newsletter when they have something to submit.

Chair King noted that she had spoken to the Selectmen in regards to any issues with dedicating land to someone. They stated that there were no issues in doing that. It was decided that the conservation land off South Road would be dedicated to Jim Raynes.

Member Garvan agreed to submit a write-up on the Varrell Family visit to his home to the newsletter. He told the story of how the Varrell heirs negotiated with Jim Raynes (former Commission Chair) to sell their land that abuts the town forest to the town. The family is a long-time Rye family. The husband of

the women who grew up in his house and his niece, had a ceremony at the Rye Cemetery where members of the Varrell family are buried. Member Garvan continued that he and his wife, Sara, invited them to their house for coffee and muffins, along with Jim Raynes and Sally King. The family had a wonderful time visiting the property.

4. Next Trailgate

- The next Trailgate will be held at Cedar Run in September. The commission set up a date and time to mark the trails.
- Member Shepcaro noted the intern, Libby, was a great asset to Conservation. She met with Libby 14 to 16 times. They were able to get a lot of invasive control done. They also prepped and seeded four areas at the Goss Farm; some with pollinated flowers and some with grass seed. She stated that they were able to get a lot of work done because they had a list of specific things to do.
- Member Shepcaro reported that she received an email update on the Town Forest Management Plan from Charlie Moreno but has not had a chance to read it. Member Shepcaro commented that they are making some progress; however, it seems to be moving slow. She was hoping they would be ready to finalize the plan soon.

V. PENDING SITE WALK – REVISITS, PHOTOS, AFTER A PROJECT IS COMPLETE

- a. 77 Parsons Road, Ge – Jaci Grote and Mike Garvan will revisit the property.
- b. 1611 Ocean Blvd, Huff – Suzanne McFarland, Sally King and Susan Shepcaro will revisit the site on Monday, June 17th.
- c. 1647 Ocean Blvd, Quirk – Mike Garvan and Jeff Gardner will revisit the property.
- d. 731 Ocean Blvd, McIntyre – Mike Garvan and Jeff Gardner will revisit the property.

VI. CORRESPONDENCE

- A letter was received from Abenaki Country Club regarding issues with Burke's Pond. They have been working with Eben Lewis, NH DES, and they will contact the Conservation Commission when they make a determination on the course of action.

VII. BILLS

- a. RCCD Bill – land management, invasive species - \$491.94
- b. RCCD Bill – land acquisition - \$340.00
- c. Dodges Farm and Garden - \$85.98
- d. The Granite Group - \$118.00 and \$35.00 = \$153.00
- e. Edward Ireland - \$150.00
- f. Alan Bucklin - \$348.90
- g. James Verra – Marden Woods - \$75.67
- h. Water bill being reissued

Motion by Jaci Grote to pay the bills presented (a through g). Seconded by Suzanne McFarland. All in favor.

- Mike Garvan – Goss signs - \$335.00

Motion by Jaci Grote to pay Mike Garvan in the amount of \$335.00. Seconded by Suzanne McFarland. All in favor.

- Owen Shepcaro – Conservation work for 27 Hrs. - \$540.00

Motion by Jaci Grote to pay Owen Shepcaro in the amount of \$540.00. Seconded by Jeff Gardner. All in favor.

- Susan Shepcaro – Receipts for work supplies - \$714.86

Motion by Jaci Grote to pay Susan Shepcaro in the amount of \$714.86. Seconded by Jeff Gardner. All in favor.

VIII. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (c) Reputation

At 9:34 p.m., Mike Garvan made a motion to go into Non-Public Session per RSA 91-A:3, II (c) Reputation. Seconded by Jaci Grote.

Roll Call: Jeff Gardner – aye, Mike Garvan – aye, Jaci Grote – aye, Sally King - aye, Suzanne McFarland – aye, Susan Shepcaro – aye, Heather Reed – aye, Karen Oliver – aye

At 9:56 p.m., Jaci Grote made a motion to return to public session. Seconded by Jeff Gardner.

Roll Call: Jeff Gardner – aye, Mike Garvan – aye, Jaci Grote – aye, Sally King - aye, Suzanne McFarland – aye, Susan Shepcaro – aye, Heather Reed – aye, Karen Oliver – aye

Motion by Jaci Grote to seal the minutes of the non-public session. Seconded by Heather Reed. All in favor.

ADJOURNMENT

Motion by Jeff Gardner to adjourn at 9:57 p.m. Seconded by Susan Shepcaro. All in favor.

Respectfully Submitted,
Dyana F. Ledger