

TOWN OF RYE – CONSERVATION COMMISSION

Thursday, February 14, 2019

Meeting

7:00 p.m. – Rye Public Library

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

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Sally King called the meeting to order at 7:02 p.m. and led the Pledge of Allegiance.

II. APPROVAL OF MINUTES

- January 10, 2019

The following corrections were noted:

- Page 1: Other constrains should be Other constraints
- Page 4: OTHER BUSINESS; G. Drainage Pipe – Road to Town Forest should be G. Drainage Pipe – Woods Road from the Parsons Field Access Road
- Page 5: Mr. Walker asked if there is any talk about Paving the road or just restoring it. The road is in poor condition. Mr. Walker was referring to the woods road from the Parsons Field access road.
- The Commission voted to come out of non-public and voted to adjourn the meeting: Time unknown.

Motion by Suzanne McFarland to approve the meeting minutes of January 10, 2019 as amended. Seconded by Susan Shepcaro. All in favor.

Motion by Suzanne McFarland to approve the site walk minutes of December and January as presented. Seconded by Mike Garvan. All in favor.

III. WETLANDS

A. 1681 Ocean Blvd. Tax Map 013, Lot 011

Owner: Moura, Lucia

Renovate home, new septic

Alex Ross, Ross Engineering

Atty Tim Phoenix

Charles Hoyt Designs

Alex Ross of Ross Engineering presented to the Commission. The property is located next to Ray's Seafood. It is a narrow lot that is 2 ½ acres. The proposal is to improve the old house and replace the old deck, improve the driveway layout and replace the septic system. The system

that is in place has been inspected and is not in failure; however, it is an old dry well system. The proposed system will be a pretreatment system, using On-Site Solutions. Mr. Ross presented the Commission with handouts that included improved elevations. He reported that Charlie Hoyt did the design for the house. Mark Jacobs did the delineations for the wetlands. He also worked with Mr. Ross on the test pits and the layout of the septic. Because of the setbacks from the property lines, the owners will have to go to the Zoning Board. They are also anticipating doing a stormwater management plan, i.e. gutters on the house or some form of storm water direction into infiltration areas. There will also be some wetland buffer planting. The building and gravel driveway takes up 58% of the lot.

- **The Commission scheduled a site walk: Monday, February 18, 2019 at Noon.**

Member Reed arrived at the meeting at 7:20 p.m.

Chair King stated that she received notice from Mark West regarding a new owner of the house located at 125 Central Road. A number of trees and bushes have been cut in the wetland buffer. The owner stated that he is aware of the issue and would like to be on the March agenda.

- B. Wentworth by the Sea Country Club**
 - Seawall Repair
 - **Postponed until March Meeting**

IV. OTHER BUSINESS

A. Goss Farmers 2018 Report

Julia Jones and Taylor Weiss from Newmarket reported they had a very successful season farming at Goss Farm during the summer of 2018. They stated that they had four constant wholesale buyers; The Carriage House Restaurant, Rye Beach Market, Newfield's General Store and Newberry Farm Market. They also donated produce to food pantries through New Hampshire Gleans. They stated that they are very grateful for all the help they received.

They outlined their plans for the 2019 season, stating that they plan to expand their production of potatoes, radishes, tomatoes and beets. They are also interested in adding on more restaurants and retail accounts.

They reported that they have a lot of blueberries in their freezer that they want to give back to the community. They suggested that it could be for a pancake breakfast, or for the school, or another place for donation. They recognized that a lot of people donated their time to taking care of the plants so they do not want to sell them through Night Farm. They want to make sure the berries go back to the community. They will harvest and freeze them, or even better, get them back to the community fresh.

Chair King recommended contacting the school, as the second graders worked on the blueberry plants project.

A. Rye Recreation – Lee Arthur

Recreation Director Lee Arthur introduced Cory Belden. Cory Belden is a member of the Recreation Commission and is the lead on the storage facility project for Rye Recreation.

Mr. Belden explained that the Recreation Commission has been working over the last year to get ready to build the multi-purpose storage facility at the recreation area. He explained that the survey was done and the RFPs went out for the contractors to bid on the project. Recently, the Commission awarded the project to JRK Builders. He further explained that this is a design build project.

Mr. Belden reported that after Public Works removed the existing storage shed and snack shack this spring, the Rec Commission went to the area to stake out the proposed building and it became obvious that the new building would have to be moved because of the view and the access to the existing overflow parking and access to the Conservation trails. He stated that after an informal site walk with Chair King and Vice Chair McFarland, there was a consensus as to a better location for the building. It is proposed now to be at the end of the parking stalls on the east side of the property. It is a 70 x 26; 1,800 square foot building. It will require the gravel driveway to be relocated. Mr. Belden reminded the members that there was a potential pathway outlined that will minimize the number of trees that will be impacted. He suggested that when the project gets to that stage, the Recreation and Conservation Commission meet on site to stake off the driveway to connect to the existing driveway.

Recreation Director Lee Arthur reminded the members that the new driveway will only require two trees to be taken down and one is already dead.

Mr. Belden stated that the Recreation Commission is excited about the location and would like to coordinate this plan with the Conservation Commission. He asked the Commission if they had any concerns or questions.

The Recreation Commission will notify the Conservation Commission when the new driveway is staked out so that they can meet for a site-walk.

B. Well exploration – Art Ditto, Rye Water District Commissioner and Greg Smith of Wright Peirce Engineering

Rye Water District Commissioner Art Ditto reported to the Conservation Commission that they are looking at three locations along the geophysical survey line; Cedar Run off of South Road, a private property at the end of South Road, heading towards Route 1, and the former Rand Lumber property. He explained that Gregg Smith of Wright Peirce Engineering did the geophysical surveys.

Mr. Smith explained the process. It is a nonintrusive survey, where pins are put into the ground, a low level electric current is sent into the ground and read on a computer system. The system maps the profile of the sub-surface. The results give an idea of where to drill; however, it is not guaranteed because of the differences in rock conductivity and resistivity.

The results of these tests identified a couple of targets; they were:

- The former Rand Lumber property
 - L-1 and L-2 on the hand out
- Cedar Run property
 - L-2 and L-3 on the hand out

Former Rand Lumber Property:

Commissioner Ditto reported that there are two possible sites on L-1 & L-2.

Chair King pointed out that these areas are mostly wetlands. She asked how the wetland resources are protected in a project like this.

Mr. Smith stated that ideally the next step would be to conduct a test well drilling program. He stated that Wright Peirce is very conscience when it comes to impacting wetlands. They use best management practices and will provide the Commission with a proposal of the silk fence design and the containment area.

Chair King noted that NRCS is the easement holder on this property. She asked Tracy Degnan from Rockingham Conservation Commission how to interact with them on this issue.

Ms. Degnan explained that there is an exhibit that allows for water exploration; however, NRCS has a formal plan that is required.

Commissioner Ditto suggested doing a site visit during the winter because the ground is frozen and there will be less disturbance.

Cedar Run property:

Mr. Smith noted that Rye has mostly highly fractured bedrock. More wells are above 50 gallons a minute than less. Typically, a well that is above 50 gallons a minute, with refinement, will produce more.

Commissioner Ditto pointed out that on L-3 there are three possible sites.

Chair King stated that she believed there was concern on the part of the Nature Conservancy, regarding the effect that drilling would have on the Atlantic Cedar Swamp. She suggested staying away from that area for the time being if there are other options elsewhere.

Mr. Smith explained that upon doing the test wells, they would assess impact. It would be required by the DES.

Commissioner Ditto asked what the specific concerns were. He pointed out that drilling a hole, maybe doing a pump test and then letting the area go back to normal would not have an impact.

Chair King stated that this would be a question for the Nature Conservancy.

Tracy Degnan stated that there is documented vernal pools on both properties so it would be important to stay away from these areas by at least 100 feet.

Commissioner Ditto said he would like to stake out the sites on the L-3 line for a review.

Chair King stated that the Commission's concerns are to protect the properties' resources as best as they can and to work with the easement holders. She asked what the next step would be, keeping that in mind.

Mr. Smith said that the Commission should do a site walk to review the area.

- **The Commission scheduled a site walk: Friday, March 15, 2019, 10:00 a.m.**

Peter Crawford of 171 Brackett Road reminded Chair King that he spoke to her at the deliberative session regarding Warrant Article #20. He explained that he had asked if after the acquisition of the property on West Road is complete, if the Commission would support a Warrant Article to appeal the right to buy land outside of the Town.

Chair King explained the way the RSA reads is that the warrant article has to be written a certain way. When it is written that way, it gives the Conservation authority to purchase land outside of Rye in perpetuity. She told the Commission that she had explained to Mr. Crawford that she would be happy to ask the question of the Commission. She stated that the Pro was the Commission originally asked for this permission for this particular piece of property and had asked that it be written for only this piece of property. They were told that it couldn't be written that way. She also explained that the only time the Commission would want to purchase property outside of Rye, is if it was a continuous parcel of a property in Rye. This made sense with the parcel on West Road. She stated that she could not think of any other reason for purchasing a parcel that the majority of it was not in Rye. She stated that she feels that this is not necessary because of all the other restraints and checks and balances that are in place on the acquisition of property, such as the Public Hearings and the Selectmen's A-Q list of requirements. She stressed that there is a lot of oversight on what is purchased.

Mr. Crawford stated that he feels it will be hard for people to vote for this, if there is not an agreement of support for a warrant article to rescind it in the following year. He suggested that people will be worried that in the future a new Conservation Commission may not have the same beliefs regarding purchasing outside of Rye.

The Commission agreed that Mr. Crawford has a good point; however, with the oversight and layers of supervision that are in place, it is highly unlikely that an acquisition outside of Rye would pass. Also, the Commission has a very limited amount of funds and there are numerous opportunities within the Town that would require that funding. The Commission is not totally against the idea. Chair King added that they will continue to discuss the issue.

Tracy Degnan stated that the one thing that could be a problem, if this article was rescinded, is that a lot of times land protection projects are sometimes time sensitive. If there was a parcel

that had to be acted on immediately, it would not happen because the Commission would have to wait until the next Town Vote to get the authority to purchase it.

Tracy Degnan addressed the Commission regarding the Town Forest Management Plan. She reported that she spoke to the Town Forester; Charlie Marino and he is very close to having his final report to the Commission. She explained that he has prioritized the invasive control areas. She pointed out that the areas that are the highest priority have the most dense areas of invasive plants. Oddly, they seem to be at all the entrances to the Forest. These will be the areas of the primary targets. The proposal is to do one section at a time, starting with the Varrel Woods entrance, which was targeted a little bit last year. There is about nine acres that is highly invaded in this area with knotweed. The estimate for phase one is \$4,500. The first step is to obtain a special permit. Depending on the restraints of that permit, the time frame for the start of the work should be around June or July. It should take about four or five days to complete. Parsons Creek, Wallis Marsh on Brackett Road and Goss Farm will cost \$3,350. The time frame would be late summer or early fall.

Motion by Mike Garvan to make the invasive eradication in the Town Forest for the estimate of \$4,500 a priority and that will be the first expenditure for invasive control. Seconded by Suzanne McFarland. All in Favor.

Motion by Mike Garvan that in 2019 the Commission does herbicide treatment at Parsons Creek, Wallis Marsh and at Goss Farm as the second priority in the amount of \$3,350. Seconded by Suzanne McFarland. All in Favor.

Chair King signed the application for the special permit.

Tracy Degnan gave the Commission a quick update. She reported that NRCS was not shut down during the government shut down; however, because other agencies were shut down there was a ripple effect at NRCS slowing things down. The former WRE proposals that were not able to be funded because of the amount of funding available, were rolled over. NRCS sent the land owners a letter telling them they have been deferred for another year. The land owners will have to fill out another adjusted gross income form. At that point, they are considered re-enrolled. She added that the 2018 Farm Bill was passed. She was not sure of the details, except that there is mandatory funding for Conservation for the next four years. NRCS is currently waiting for guidance as to what that will mean for New Hampshire.

Mike Garvan stated that he has not written the letter regarding the property at 1215 Ocean Blvd and the Planning Board meeting is Tuesday. He asked the Commission for any input they may have on the property. He reported that the map shows that the property is right in the middle of the Flood Risk Reduction Opportunity Area.

Chair King pointed out that the developers always present the improvements as a better project; however, they don't consider mass or fill. She stated that she feels that this project is way too large of an impact for that very fragile piece of land.

Other members of the Commission agreed, particularly objecting to the amount of proposed fill.

Chair King stated that she will be attending the Planning Board meeting to voice the Commission's concerns. The Commission agreed.

PENDING SITE WALKS

- 245 Pioneer, Tax Map 16 Lot 162-3

The Commission needs to go back to the property with the map and the plans - will be done in the spring

- 5 Libbey Lane, Tax Map 16 Lot 162.3

Member Grote and Member Reed visited the property and Member Reed reported that the owners have done a great job and that the appropriate parties have been notified.

- 45 Washington Road, Tax Map 017 Lot 073

Member Grote wrote the owners asking for permission to do a site walk. The Commission has not heard back from the owners.

- 795 Washington Road, Rannie Webster

- **The Commission scheduled a site walk: Monday, February 18, 2019, 12:45 p.m.**

Vice-Chair McFarland asked if the January 22nd site walk on the Blake property happened and if there were any pictures taken. The property is located behind Willow off of Williams. It was over run with poison ivy last summer.

Chair King stated that the site walk has not been done yet.

- **The Commission scheduled a site walk: Saturday, February 23, 2019, 10:30 a.m.**

V. CORRESPONDENCE

Chair King announced that there was an invitation from New Hampshire Preservation Alliance to attend their bi-annual conference, May 31st in Littleton, NH.

Chair King announced that there was information from Aquarion regarding minimizing contamination in the public water supplies.

Chair King announced that there is an environmental facts sheet from NHDES.

VI. BILLS

Motion to pay Rockingham County Conservation Commission - Invoice from September 2018 in the amount of \$190.00 by Mike Garvan. Seconded by Susan Shepcaro. All in favor.

Motion to pay Rockingham County Conservation Commission for Tracy Degnan's Time from October 12, 2018 through January 1, 2019, for Conservation Specialist Services. In the amount of \$510.00 by Mike Garvan. Seconded by Susan Shepcaro. All in Favor.

The following bills were also voted on to Pay:

• Eversource	\$ 33.34	Electric
• Jeff Ireland	105.00	Plowing
• Peter Blake	3,200.00	Appraisal for 81 Wallis Road

Motion to pay the bills as listed by Suzanne McFarland. Seconded by Susan Shepcaro. All in favor.

**VII. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (c) Legal
(2) per RSA 91-A:3, II (d) Acquisition**

At 8:48 p.m. the Commission voted to go into Non-Public Session.

Motion by Mike Garvan to go into Non-Public Session (1) per RSA 91-A:3,II (c) Legal and (2) per RSA 91-A:3,II (d) Acquisition. Seconded by Suzanne McFarland.

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

The Board came out of non-public session at 9:30 p.m.

Adjournment

Motion by Suzanne McFarland to adjourn the meeting at 9:31 p.m. Seconded by Mike Garvan. All in favor.

Respectfully Submitted,
Dyana F. Ledger