

# **TOWN OF RYE – CONSERVATION COMMISSION**

**Thursday, March 8, 2018  
7:00 p.m. – Rye Town Hall**

***Present: Chair Sally King, Vice-Chair Suzanne McFarland, Susan Shepcaro and Heather Reed.***

## **I. CALL TO ORDER**

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

## **II. APPROVAL OF MINUTES – February 8, 2018**

The following corrections were noted:

- Page 5, it should be noted that **Acting Chair McFarland will ask Clerk Garvan to send a letter to the property owners in regards to the commission revisiting the sites for a follow up site walk in the spring.**
- Page 5, under Other Business last bullet, 3<sup>rd</sup> sentence should read: **The property owner was a resident of Webster at Rye and his wife may not be aware of the signs and mice on her land.**

**Motion by Suzanne McFarland to approve the minutes of February 8, 2018 as amended. Seconded by Susan Shepcaro. All in favor.**

## **III. WETLANDS**

- A. 0 Brackett Road, Tax Map 17 Lot 34-2  
Owner: Estate of Glen C. Ceely  
Buyer: Feid  
Corey Colwell – MSC Engineering/TF Moran  
Empty lot, proposed new home, septic, driveway**

**Corey Colwell, MSC Engineering,** presented to the commission. The application was before the commission in October and a site walk was held. There were some recommendations made by the commission and those were incorporated into the plan. The application was before the commission in November to review the changes. A letter of recommendation was sent from the commission to the Zoning Board of Adjustment (ZBA). The ZBA was not favorable to the application and it was denied. The proposal was redesigned to go back before the ZBA. The

footprint of the building has been reduced and the structure has been pulled completely out of the 75ft wetland buffer. The only activity that would take place now in the buffer would be tree removal, stumping and some grading. Additionally, the driveway has been redesigned so that it curves in order to allow for softening of the grade by giving it more length. A stormwater management plan has also been completed for the project. The drainage flows towards Brackett Road and the permeable patio will capture back runoff. The drainage coming off the back of the house and anything coming off the patio will be diverted into a swale and then into a raingarden. There have been a number of improvements made to the proposal. The hope is to demonstrate to the ZBA and Conservation Commission that the project has only gotten better by lessening the buffer impact. The stormwater runoff has been reduced. With the reduction in footprint, it has reduced the impervious coverage by approximately 200sf.

There was review of the location for the previously proposed native plantings that were requested by the commission at their site walk. It was noted that a total of 14 trees will be removed for the project. Mr. Colwell submitted the drawing and list of trees that will remain.

Mr. Colwell noted that the variances being sought from the ZBA are for grading in the buffer and for 2ft of separation for the septic, which requires 4ft in the regulations.

It was the consensus of the commission that a second site walk was needed.

- **Site Walk scheduled for Sunday, March 11<sup>th</sup>, 10:00 a.m.**

Chair King opened to the public for comments or questions.

**Richard Snierson, 711 Brackett Road**, spoke in opposition of the proposal.

Mr. Snierson submitted the following documents to the commission (which will become a part of the commission's file for the application).

- 2014 Science and Technical Advisory Panel Report Summary-Sea-level rise, storm surges and extreme precipitation in Coastal NH
- Plot plan with his marking of stream, wetlands, 50', 75', 100' - from proposed conditions plan S-2 Feid/Ceely Rev. 2/07/2018
- Aerial of water flow from this area to Concord Point
- NH Code of Administrative Rules, pg 69-70 Env-Wq 1000
- Repeat letter from Thomas Burke, an abutter
- Rye Master Plan 2017, Chapter 7 Natural Resources Draft: August 2017, 7-19
- Parsons Creek Watershed Restoration flier
- Rye Master Plan - 2006 Chapter 6, 6-29
- List of towns in NH and ME - Buffer options for the bay: Exploring the trends, science and options for buffer management in the great bay watershed
- State of our Estuaries 2018 by PREP
- Science Newslines Nature and Earth - Sea level rise accelerating Feb. 12, 2018

- Rye Master Plan 2017 Chapter 3. Coastal Hazards and Climate Adaptations 3.1, 3.5,
- Freshwater Wetland Protection Report Card - PREP

**Renee Giffroy, 39 Colbourn Road**, spoke in regards to her concerns the proposal may have on the impact to the environment.

Hearing no further comments, Chair King closed to the public at 7:52 p.m.

- B.** 0 Richard Road, Tax Map 5.2 Lot 156  
Owner: Lavoie, Alice Rev. Trust  
Joseph Coronati – Jones and Beach Engineers  
Empty lot, proposed new home, septic, driveway

**Joseph Coronati, Jones and Beach Engineers**, presented the proposal for the property located on Richard Road. The property owners are seeking a variance to build on the property. The proposal meets the 15% building coverage and 30% lot coverage. There is a wetland located on the other side of the street. The setback crosses Richard Road onto this lot. The drainage will be handled by an eco-paver style driveway and a deep stone drip edge around the building to infiltrate the roof water. With that, there will be a decrease in water going to the culvert which exits onto the other side of Richard Road. It was noted that the proposal involves some buffer impacts for grading and for 2sf of impact for the eco-paver driveway. There will be about 500sf of temporary disturbance with 45sf of permanent impact. The house will be situated on the west setback line to get the house out of the buffer as much as possible.

- **Site Walk scheduled for Thursday, March 15<sup>th</sup>, 4:30 p.m.**

- C.** 120 Brackett Road, Tax Map 22 Lot 95-A  
Owner: Dolores F. Lintz  
Cellco Partnership, Verizon Wireless – new cell tower  
Victor Manougian – McLane Middleton – attorney

**Chip Ferdette, Representing Verizon Wireless**, presented the proposal for a new cell tower on the property at 120 Brackett Road. The communication facility will be within a 30x40ft stockade fence compound. Access will be from a new 12ft wide gravel driveway off Brackett Road, just before the existing driveway for the Lintz home. The compound will be located approximately 50ft back from Brackett Road. A variance will be sought from the ZBA for construction within the 100ft buffer. The closest point of excavation to the edge of wetland is 39ft. A 120ft cell tower is being proposed with a 12x16ft concrete pad and propane tank to fuel the emergency backup generator. Once the tower is constructed, the site will see a visit from a technician once or twice per month.

**Audra Klumb, A & D Klumb Environmental**, spoke in regards to the wetlands adjacent to the site. She agrees with the wetland delineation that has been completed for the site. The buffer, immediately adjacent to the wetland, is dense with shrubbery and trees. There is also an open area for wildlife. She noted that most of the area for the tower site is a gravel surface and is not compacted so water flowing through the area will continue to flow.

Mr. Ferdette reviewed the plantings being proposed around the site.

Chair King opened to the public for comments or questions.

**Hugh Lee, 220 Pioneer Road**, spoke in support of improving the cell coverage in Rye. He also spoke in regards to an adjacent lot that may be better suited for the proposal, as it would not have impacts to the wetland buffers.

**Kathy McCabe, 135 Brackett Road**, expressed her concerns on the height of the tower. She also expressed concerns on the tower not being in keeping with the residential character of Rye.

**Kendra Gemmett, 150 Brackett Road**, asked about the trees that are being removed for the proposal. She expressed concerns on the location that is being proposed, as it is a sensitive area and is a rural neighborhood.

**Renee Giffroy, 39 Colbourn Road**, spoke in support of better cell coverage in Rye for safety reasons. She is also concerned about the environmental impacts on this piece of property.

**Mike Thiel, 34 Brackett Road**, spoke in regards to the watershed and the characters of the environment in that location.

Hearing no further comments or questions from the public, Chair King closed to the public at 8:35 p.m.

- **A joint meeting of the ZBA and Planning Board is scheduled for Monday, April 16<sup>th</sup>. The Conservation Commission will join the site walk that will be scheduled at that meeting.**

- D. 140 Harbor Road, Tax Map 9.2 Lot 17  
Owner: Donald K. Laing Rev. Trust, Terrance A. Beaton and G. Scott Laing  
Eric Weinrieb – Altus Engineering  
Relocate residence further from wetlands, an addition onto dwelling, new septic system

**Eric Weinrieb, Altus Engineering**, presented the proposal for the property located at 140 Harbor Road. There is an existing cottage on the property that will be relocated further away from the wetlands. Currently, the cottage is only 15ft from the tidal wetland. It will be moved to be 25.9ft from the wetlands from its closest point. It was noted that they are working with NH

DES on the location and approval of the advanced treatment septic system. The system will be located as far from the tidal wetlands as possible but will still be within the tidal buffer zone. The system will be a raised system for the cottage, which will remain a two bedroom seasonal residence. The cottage is currently in the 100 year flood zone, elevation 9. The finished floor will increase from 11 to 12.5. The cottage will be turned and moved further back with a modest addition proposed for the rear of the building. The proposal has not yet been submitted to the ZBA as the applicant is waiting for the State to approve the project.

- **Site Walk scheduled for Thursday, March 15<sup>th</sup>, 4:30 p.m.**

- E. 3 Willow Lane, Tax Map 17.4 Lot 29

- Owner: Jill Richter

- Susan Faretra – Faretra Septic Design, LLC

- Remove old septic system and replace with new within the 100' tidal buffer

**Susan Faretra, Faretra Septic Design**, presented the proposal for the replacement of a septic system within the 100ft tidal buffer for the property at 3 Willow Lane. The home is a three bedroom residence, which is used as a year round rental. The current system has a State approved holding tank for the waste water. There is also a 22 year old tank that is accepting some gray water from the house. The intent is to replace the system with one that is sustainable and does not have to be pumped all the time. The proposed system will be an aerobic pre-treatment system. The waste water goes through the system and goes into the aeration tank. The Septi-Tech tank has a feedback for the sludge so it recycles it through the aeration and reduces nitrogen. The waste water will be pumped to a small leachfield that is located out of the tidal buffer. It was noted that there will be no expansion of the house or change of use.

The commission reviewed the plans for the new septic.

- **Site Walk scheduled for Thursday, March 15<sup>th</sup>, 5:00 p.m.**

#### **IV. STATUS OF RESTORATIONS/NHDES/NOV**

- A. **60 Park Ridge**, Tax Map 19.4, Lot 17 – January 22<sup>nd</sup> tree cutting

Chair King noted that she and Member Garvan met with the property owners and marked the trees that were to be cut. The work has been done. She has not been back to the property to follow up; however, they did not do a lot of cutting. The project can be considered complete at this time.

- B. **35 Recreation Road**, Tax Map 012, Lot 083

Chair King will reach out to the owners for a plan to be addressed at a future meeting.

- C. **45 Washington Road**, Tax Map 017, Lot 073 – from Peter Rowell – NOV requires a storm water management plan to be developed and installed.

The commission has not seen a plan for this project. A plan was never formally requested from the commission. The building inspector is requiring a water management plan to be developed and installed. The commission agreed that a site walk should be requested in the spring when the work is completed.

## **V. UPDATE OF INVASIVE PROJECTS**

Chair King noted that **Tracey Degnan, Rockingham County Conservation District**, has submitted a tentative estimate to the commission for the completion of invasive work at Goss Farm, Wallis Marsh, Varrell Woods and Parson's Creek. The estimate is \$1,550 to cover those areas.

## **VI. ELECTION OF OFFICERS**

The current officers have agreed to continue in their positions for one more year.

- Chair – Sally King
- Vice-Chair – Suzanne McFarland
- Clerk – Mike Garvan

**Motion by Suzanne McFarland to appoint Sally King as chair, herself as vice-Chair and Mike Garvan as clerk until March 2019. Seconded by Susan Shepcaro. All in favor.**

## **VII. BILLS**

- Rockingham County Conservation District - \$1,832.96

**Motion by Suzanne McFarland to pay Rockingham County Conservation District in the amount of \$1,832.96 for work completed in January and February. Seconded by Susan Shepcaro. All in favor.**

- Jim Verra & Associates – Forest Survey Phase II - \$4,289.50

**Motion by Heather Reed to pay Jim Verra for the forest survey in the amount of \$4,289.50. Seconded by Susan Shepcaro. All in favor.**

## VIII. CORRESPONDENCE

- Member Shepcaro reported that she received an email from David Tilton requesting that the commission take down the fence at the back of his field because it is an eyesore. There is an issue with dogs and people going onto his property and this fencing is in the area that has the most access.

Chair King noted that she and Member Garvan put up the fencing after some discussion about what could be done to mitigate some of his issues with dogs and people. The purpose of the silt fencing should be temporary. It is at the back of the property and is effective at making people aware of where Mr. Tilton's property boundary is located. As long as there are baited coyote traps close to the boundary there should be fencing. The issue should be revisited at some point, as this should be a temporary fix.

The commission agreed that Member Shepcaro should respond to Mr. Tilton and let him know that they would like to leave the fence up temporarily in order to work on resolving the issue of dogs and people on his property. The members hope that this will make people aware of where the property boundaries are so there are fewer issues in the future. People need to be reminded that this is private property and they need to be respectful.

- Chair King noted that she received a letter from Robert Wylde regarding the conservation land on Hunterville Avenue. He has asked for fill to be brought in because he cuts through the property.

The members agreed to add this property to the spring site walk list.

## IX. OTHER BUSINESS

- Stoneleigh Preserve – correction of motion

**Motion by Suzanne McFarland to correct the motion made at the public hearing on February 22, 2018 for the Stoneleigh Preserve to read 56.29 acres from Harbor Street, Limited Partnership (LP). Seconded by Susan Shepcaro. All in favor.**

- Member Shepcaro noted that Member Grote asked her to order a dog waste bag dispenser for Marden Woods. The cost is better if the dispensers are ordered in lots of five or more. She has some concerns about bags being left behind. She suggested that they put up signs where the dispensers are located that say "must carry out".

After discussion on what the costs will be to maintain the dispensers (with bags), the commission agreed that five more dispensers should be ordered. Member Shepcaro will keep track of the expenses for the dispensers and bags in order to project what will be needed going forward. She will also track the time for maintaining the dispensers.

- Member Reed spoke about the trash near the conservation property on Love Lane, which seems to have become an issue. She will keep an eye on the situation in case it becomes apparent that one person is dumping on the land.
- Member McFarland noted that the Town Clerk's Office has requested a handout listing all the wetlands. If anyone has information to submit they should do this soon so she may wrap up this project.

**X. PENDING SPRING 2018 SITE WALKS**

- **245 Pioneer**, Tax map 024, Lot 118
- **335 Washington Road**, Tax Map 016, Lot 122
- **243 Parsons**, Tax Map 19, Lot 103
- **25 Appledore**, Tax Map 19.4, Lot 52
- **5 Libbey Lane**, Tax Map 16, Lot 162-3
- **Hunterville Ave**, Conservation Parcel

The property owners of the above parcels will be contacted by Clerk Garvan to set up follow-up site walks.

**XI. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (d) Acquisition**

**At 9:40 p.m., Suzanne McFarland made a motion to go into Non-Public Session per RSA 91-A:3, II (d) Acquisition. Seconded by Susan Shepcaro.**

**Roll Call:**

**Heather Reed – Yes, Susan Shepcaro – Yes, Suzanne McFarland – Yes, Sally King - Yes**

**At 9:59 p.m., Suzanne McFarland made a motion to come out of Non-Public Session. Seconded by Susan Shepcaro.**

**Roll Call:**

**Heather Reed – Yes, Susan Shepcaro – Yes, Suzanne McFarland – Yes, Sally King - Yes**

**ADJOURNMENT**

**Motion by Suzanne McFarland to adjourn at 9:59 p.m. Seconded by Susan Shepcaro. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger