

# **RYE CONSERVATION COMMISSION MEETING**

**Thursday, September 12, 2019  
6:15 p.m. – Rye Town Hall**

***Present: Chair Sally King, Vice-Chair Suzanne McFarland, Jaci Grote, Jeff Gardner, Heather Reed, Susan Shepcaro, Danna Truslow and Karen Oliver***

## **I. CALL TO ORDER**

Chair King called the meeting to order at 6:20 p.m. and led the Pledge of Allegiance.

## **II. WORK SESSION**

### **A. UNH Amanda Stone and Lisa Wise**

1. Implement a public education and outreach program to climate and natural resources
2. Provide guidance on updating the Town's natural resources inventory.

**Amanda Stone, UNH Cooperative Ext State Specialist for Natural Resources and Land Conservation and Lisa Wise, UNH Cooperative Ext Climate Adaptation Program Manager**, met with the Conservation Commission to discuss the implementation of a public outreach program to give the public more information on climate and the town's natural resources. The program will focus on the value of the saltmarshes, flood storage areas, the value of those features, and the importance of clean public water drinking supply, with a quick review of the maps of Rye, which were presented to the commission at a previous meeting. The public workshop will provide an opportunity for people to break out into groups to further discuss opportunities, challenges and priorities. It is recommended that the town boards become engaged in the conservations with the other residents. There is a great benefit in having smaller group conversations and gaining that feedback from the community.

It was noted that the outreach program is important to educate residents on why the wetlands area so important and why they need to be protected. Most residents do not know that Rye is 60% wetlands and what that means for the community. It was also noted that people in Rye want to be involved. They want to know what they can do to protect the town and the wetlands. This will bring priority to why the rules of the Building Department, Conservation Commission, and Planning Board are initiated, with regards to stormwater runoff, flooding, etc.

Ms. Wise reviewed the maps for the commission and the areas of focus; such as, floodwater storage, saltwater migration, restoration and protection areas. The maps also show existing conservation lands and opportunities for connecting conservation parcels.

The commission agreed the presentation should be made personal by providing landmarks on the map. They also agreed that breaking out into smaller groups would be beneficial. It was suggested that the presentation be about ten minutes with approximately a half hour discussion in smaller groups and fifteen minutes of feedback. This would keep the program to an hour.

The commission discussed the organization of the workshop and ways it can be advertised.

- **Public Education and Outreach Program scheduled for Monday, November 18<sup>th</sup>, 5:30 p.m. with a light dinner for attendees starting at 5:00 p.m., Rye Junior High**

### **III. APPROVAL OF MINUTES**

- **August 8, 2019**

**The following corrections were noted:**

- Page 2, it should be noted that Scourlock should be Scourlok.
- Page 2, Governor Council should be Governor's Council.
- Page 6, it should be noted that Jim Taylor should be Jim Verra.
- Page 7, under Forest Management Plan, sentence 6 should read: **He no longer has a wildlife biologist working with him so that particular information was not included in the update.**
- Page 7, under Forest Management Plan, sentence 12 should read: **Member Shepcaro noted that she has asked if the wildlife traffic is consistent with a property that is bordered on three sides by development, and requested Mr. Marino add this is it is appropriate.**
- Page 7, under Forest Management Plan, sentence to last sentence should read: **At that time, it needs to be presented to the easement holder, Rockingham County Conservation District (RCCD) and certified by them.**
- Page 7, last paragraph, 7<sup>th</sup> sentence should read: **It is a concern that if the beaver dam breached in a large storm it might take out the Burke Dam and flood downstream.**

**Motion by Jaci Grote to approve the minutes of August 8, 2019 as amended. Seconded by Suzanne McFarland. All in favor.**

### **IV. WETLANDS**

#### **A. 1 & 3 Cable Road, Tax Map 5.3, Lots 43 and 44**

Owner: Lawrence and Mary Tierney

Alex Ross – Ross Engineering

2 lots merged together, modify existing homes, elevate and proposed new addition

**Alex Ross, Ross Engineering**, spoke to the commission in regards to the proposal for 1 and 3 Cable Road to combine the two lots, remove the existing cottage and add a garage to an existing home. He noted that a lot of the wide, hard packed, gravel driveway will be replaced with pervious pavers. The site is right on the beach and has been a poorly developed site for years. (He reviewed the site features with the commission.) He stated that the pervious pavers will make an improvement with the stormwater runoff and will help protect that tidal environment. The existing home will be raised and work will be done to the foundation in order to make it FEMA complaint.

The commission reviewed the plans.

Mr. Ross pointed out that there will be living space above the garage, so there is an expansion of the existing house.

It was noted that the house is getting wider and a garage is being added, along with a porch. The square footage is going from 2300 to 3152. There are no wetland impacts; however, the front of the house, and a corner of the proposed addition, are within the 100' tidal buffer. The proposal is going before the ZBA at their meeting in October.

- **Site walk scheduled for Thursday, September 19<sup>th</sup>, 4:30 p.m.**

**B. 2230 Ocean Blvd, Tax Map 053, Lot 066**

Owner: Harvey and Joan Bines  
Corey Colwell, TF Moran  
Accumulated sand

A representative from TF Moran presented the application to the commission for 2230 Ocean Boulevard, which is a lot of approximately 8,000sf with 85ft of frontage along Sea Beach. The owners are filing a wetlands permit application with the State to regrade the beach. Both lots on either side of 2230 Ocean Blvd currently have similar permits. There is a significant amount of sand up against the seawall, which was caused by storms over the years. There will be roughly 3300sf of impact to move the sand from the seawall down to the highest observable tideline. The equipment will access the beach through E Street, which is approximately 265ft from the lot. Sand will not be removed from the beach. It will be redispersed amongst the beach. (He reviewed the area of impact on the plan for the commission.)

- **Site walk scheduled for Thursday, September 19<sup>th</sup>, 5:00 p.m.**

**C. 2236 Ocean Blvd, Tax Map 05, Lot 055**

Owner: Michael and Alexandra Maglieri  
Steve Riker, Ambit Engineering  
Add fill and deck

**Steve Riker, Ambit Engineering**, spoke to the commission about the plans for 2236 Ocean Blvd for the addition of a stairway in the revetment and to replace the existing brick patio with a deck. The proposed deck will be the exact same size and configuration as the existing patio. The deck was previously approved in 2011 and the DES permit was extended in 2016. The owners are now getting ready to do the work and want to incorporate it with other work on the lot. Rye Beach Landscaping has prepared landscaping plans, which will be authorized by DES as an amendment to the existing permit. He is before the commission as a courtesy to show the work being proposed. (He reviewed the landscaping plan and the proposed work for the property.)

It was noted that the additional permit was for the stairs and a deck. The stairs have been completed but no other work has been done. The deck has not changed from the original proposal that was permitted.

The commission reviewed the plan.

Mr. Riker noted there is an area between the deck and the seawall where the owners would like to add some fill to raise the elevation about 1ft. This addition of fill will also be authorized under an amendment to the permit approval. He also pointed out that the impervious surface is decreasing from 48.2% to 40.6%.

- **Site walk scheduled for Thursday, September 19<sup>th</sup>, 5:30 p.m.**

**D. 1306 Ocean Blvd,** Tax Map 17.3, Lot 68, 67, 65, 64

Owners: Paul Chase, Estate of Patricia Schwartz (Kate Schwarz), Willian Toner, Daniel and Mary Jo Quirk

337 linear feet seawall repair in kind

**Paul Chase, property owner**, spoke to the commission in regards to the repair of the seawall in kind at 1306 Ocean Blvd. He noted that the seawall was installed in 2007 by Riverbend Masonry. The contractor who constructed the seawall will be doing the repairs. An excavator and a small dump truck will be accessing the wall from the beach. The time to complete the project will be two to four weeks depending upon the weather. The application is on the select board's agenda for September 23<sup>rd</sup> to get permission for access onto the beach.

There was discussion on the repairs that will be made to the seawall.

- **Site walk scheduled for Monday, September 16, 4:30 p.m.**

**E. 45 Recreation Road,** Tax Map 012, Lot 082

Owner: Susan Shepcaro (*member of the Conservation Commission*)

Landscaping plan

**Jason Kindstedt, representing the homeowner**, presented a proposed landscaping plan for the property located at 45 Recreation Road, near the area of the pond. He noted there is a lot of overgrowth and undesirable species in this location. The plan is to create a more visually appealing view. (He explained the details of the plan for the commission. He also showed photos of the existing pond on site.)

Susan Shepcaro noted that on the backside of the pond, the plan shows landscaping; however, none of that will ever happen. If that was to be done, a DES permit would be needed.

The commission reviewed the plan.

- **Site walk scheduled for Thursday, September 19<sup>th</sup>, 6:00 p.m.**

**V. PENDING SITE WALKS**

**A. 1174 Ocean Blvd,** Bill MacLeod – deck, planting on embankment, photos taken, letter written by Chair King

**Completed**

**B. 260 Pioneer Road** visit, McGovern-Simchik, courtesy two-person site visit, plan needed, referred to building department

**Initial courtesy site walk completed. On-going case.**

**C. 1611 Ocean Blvd,** previous owner Stevan Huff, planting not done, fill not taken away

**Member Shepcaro will follow up on progress.**

## **VI. OTHER BUSINESS**

### **A. Burke Pond – Abenaqui – Pat Kelly**

Chair King spoke to Patrick Kelly, Grounds Manager for Abenaqui, who said the dam was being rebuilt in kind. It was felt that it was a potential threat to properties downstream of it. Chair King spoke with Mr. Kelly about the beaver issue, as there was a lot of flak from people who were concerned the beavers were going to be removed and destroyed. Mr. Kelly confirmed that they are not going to do that and the beavers are going to be left alone. Abenaqui is currently working on a DES Permit to rebuild the dam in kind.

The commission agreed that it would be beneficial to see a copy of the submittals for the DES permit. A copy should also be on file at the Tax Collector's Office, Rye Town Hall.

**Richard Brady, 24 Cable Road**, spoke in favor of the installation of a cofferdam or a pillow dam, or some barrier to the outflow, so the pond is not drained during the construction process.

**Roger Wigley, 633 Central Road**, noted that Burke Pond flows into Eel Pond, which is quite large and critical to the eco-system that is along that coastal waterway. He assumes that when the State looks at the plans for Burke Pond, they will also consider the effect it may have on the eco-system to let all that water run into Eel Pond.

Member Truslow stated that Abenaqui should be asked what their plans are and if they have a contingency plan, in case of a big rain event.

Member Shepcaro pointed out that the minutes from last month state that the timeframe for this work was for early September. She wonders if that is still the time table.

Chair King confirmed that she will follow up with Abenaqui to get further information.

### **B. No Cut Wetland Placard**

Vice-Chair McFarland noted that Kim Reed sent out an email showing an example of the placard. Member Garvan liked it and everyone commented on it. She asked if it had been ordered.

Chair King commented they will need to check with Member Garvan.

There was discussion on the location for the placards, which will be used on conservation property. There was also discussion on how the placard should be worded.

Member Grote agreed to follow up with Member Garvan.

### **C. Conservation Roundtable Update from August Meeting**

Chair King and Member Garvan attended the conservation roundtable and gave a quick review of topics discussed.

#### **D. Trailgate October 20, 2019 Cedar Run Conservation Land**

Member Grote agreed to write an article, highlighting Trailgate, for Rye Magazine. She will speak with the publisher, as the date for the October issue has passed. She will also post the date on the town's website. People who attended past Trailgate events will be personally invited. Posters for the event will also be posted at the town hall and other areas in town.

#### **E. Conservation Easements – Danna**

Member Truslow spoke about the research work Chair King, Member Reed and she have done on the town's conservation easements in order to start a regular monitoring schedule. Once the list is complete, with regards to the easements the Rye Conservation Commission holds, they will continue with the easements held by other entities for a more complete list. Another goal is to scan the documents for each one of the easements so the files can be digitized.

#### **F. Dune Grass and Beach Maintenance**

Member Truslow asked why the town does not encourage more dune grass and accumulation of sand to prevent future erosion and harm.

Chair King stated there are people who are against that because they feel the beach is being confiscated by the homeowners who live there and are planting grass.

Member Grote commented that they should get an opinion from a non-vested person.

Chair King stated this is a conflict, depending on which side the person is on. Environmentally, it is definitely positive, but there are a lot of people who object to it, including the Beach Commission. People who are using the beach are objecting. She suggested that the commission deal with properties, buffers and what they can recommend.

#### **G. Protocol and Procedure Issue – Shepcaro**

Member Shepcaro spoke about the possibility of having contingencies on plans that have been reviewed and agreed upon by the commission. She also spoke about communication with the building inspector's office to be sure their follow up on sites corresponds with what the commission agreed to.

#### **H. Budget Update Sent Out**

Vice-Chair McFarland noted that she asked the Finance Director to update the commission's budget through the end of August. The town is implementing a new process for encumbered funds. Anything that the commission is starting but may not be finished before the end of the year, will need to be submitted in a letter to the Finance Department by December 1<sup>st</sup>. Items that are being worked on currently need to be accelerated because it is almost October.

The commission agreed to hold a non-quorum work session for the review of the current budget and preparation for the 2020 budget season.

## **I. Rand Conservation Land Update – Ownership, Pathway**

Chair King reported that the situation with the ownership and pathway at the Rand parcel is the same as it has been for years. She and Attorney Donovan met with Ed Hayes and John O'Neill (developers) who said that things would be done immediately; however, it has not been done. Mr. O'Neill also said that the wetland buffer signs would be put out, which was part of the Planning Board approval, but this has not been done.

The commission discussed the responsibility of the developers and homeowners and follow up on enforcement. Member Oliver agreed to review the homeowner association documents to see the extent of their responsibility.

## **J. Landscaping Plan End of Park Ridge - Heather**

Member Reed stated that she needs more information on this before presenting an update to the commission. It looks like there may need to be a stormwater management plan. She continued there is a strip of pavement that is going to be torn out on part of the conservation parcel. When that happens, the commission is going to plant something in that location.

Vice-Chair McFarland noted that Attorney Donovan has a picture of what was discussed and acceptable to all parties. The Fergusons are also ripping up pavement. They were asked to take out the conservation pavement; however, they did not want to do that. The commission is on a list with DPW to rip up the pavement that is on the conservation parcel. She also noted that she has the survey, which she will get to Member Reed.

Chair King stated they are adding a garage and pavement up to the garage. They want to use the pavement that is existing for backing up; however, the commission wants to get rid of that.

## **VII. CORRESPONDENCE**

- It was noted that the commission will be collecting the Board of Adjustment decisions to be put with the commission's files for each property.

## **VIII. BILLS**

- Alan Bucklin, Mowing
- Attorney Michael Donovan - \$1,810.50
- RCCD, Tracy Degnan - \$1,600.00
- Owen Shepcaro – Goss Farm cleanup for September 22<sup>nd</sup> open house - \$450.00
- Eversource – Goss Farm - \$1.90

**Motion by Jaci Grote to pay the bills, with Alan Bucklin's bill up to \$300.00. Seconded by Suzanne McFarland. All in favor.**

## **ADJOURNMENT**

**Motion by Jaci Grote to adjourn at 9:05 p.m. Seconded by Suzanne McFarland. All in favor.**

Respectfully Submitted: Dyana F. Ledger