

# **RYE CONSERVATION COMMISSION**

**Thursday, December 12, 2019**

**6:30 p.m.**

**Rye Public Library**

***Present: Chair Sally King, Vice Chair Suzanne McFarland, Mike Garvan, Heather Reed, Susan Shepcaro, Jeffrey Gardner Alternates: Dana Truslow and Karen Oliver***

## **I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chair King called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

## **II. POLLINATOR WORKSHOP**

A speaker from Pollinator Pathways made a presentation to the Commission.

- Who are the Pollinators?

Honey bees are pollinators but are not native to our area. Pollinators are critical to food supplies. Pollinators are responsible for one out of every three bites of food that we eat. They are also responsible for 75% to 90% of the world's flowering plants.

- There are about 400 native bees in the State of New Hampshire that are not honey bees.
- Butterflies, like the Monarch and the Swallowtail.
- Moths: there are three times as many moths as there are butterflies. There are over 2,200 species of moths in the State of New Hampshire, which are not all pollinators.
- Wasps can also be pollinators.
- Flies are very active pollinators, not all.
- Beetles, like the Firefly and the Goldenrod Soldier Beetle.
- Birds; in New Hampshire there is the Ruby Throated Honey Bird, which is also a very active pollinator.

In total, there are nine different categories of pollinators around the world, which are basically animals moving pollen from one plant to another to cause that plant to reproduce, create seeds or fruits and nuts.

- What is the Pathway?

A Pathway is a volunteer community effort to restore habitat and our own yards, one yard at a time. The concept of having pathways is to create close areas where the pollinators can go for nectar, which in turn supports the ecosystem. Studies show that there has been a large decline in birds and insects in the last thirty years.

- Why are they doing this and how can Rye help?

Creating pathways will help to save the butterflies, beetles and other pollinators that are so critical to the ecosystem by decreasing the decline in the insect and bird species. The belief is that each individual can make a difference. This is an extremely hot topic. UNH held an event on Pollinator Conservation that was attended

by over 200 people. It is also a way to engage the residents in a conservation activity, other than invasive pulling. It is interesting, educational, fun and all ages can get involved. Three things that can be done are:

- Mow your lawn less
- Reduce the amount of chemicals you use
- Plant a wildflower area

Currently, there are five town conservation commissions involved in Pollinator Pathways. The goal is to get every town in Rockingham County. There are 223 members, which means there are 223 properties that have joined the group. They are asking the Commission to help educate the Rye residents about the importance of pollination. Their Facebook page is Pollinator Pathways, NH.

Special Educational Events Include:

- Educational Speakers/Presentations
- Seed Exchanges
- Seed Catalog Challenge
- Children's summer camp
- Pollinator watering stations
- Wildflower walks

They invited Rye to host one or more of these events.

## **7:00 p.m. RECONVENE PUBLIC MEETING**

### **III. SELECTMAN KERIANNE ROMAN**

Selectman Roman spoke to the Conservation Commission as a follow-up to their discussion at the December 2<sup>nd</sup> meeting regarding potential locations for cell towers in the Town of Rye.

- There are eight town-owned sites:
  - The Public Safety Building
    - In the Historic District
  - Three in the Rye Recreation Area
    - All have restrictions
  - Central Cemetery

A suggestion that will have to be considered by both the Board of Selectmen and the Conservation Commission would be if the 14.94 acres at the end of Recreation Road, which was discussed at the December 2<sup>nd</sup> meeting were to ever have a cell tower placed on it, the revenue from the tower being split between Recreation and Conservation.

Concerns that were discussed included the fall zone, access to the Town Forest and the trails, and removing trees for a road.

Chair King promised that the Commission will review the issue.

Selectman Roman reported that the Planning Board is currently revising the zoning ordinance regarding the Wireless Overlay District, regardless of adding any new parcel, as it needs to be brought up to current laws. In

addition, a second warrant article is being prepared to add another site to the district. She explained that the Planning Board is moving forward to do this because if they don't, the Town will lose the opportunity to do so. She also pointed out that Rye Recreation has to vote in agreement to this plan.

#### **IV. APPROVAL OF MINUTES – October 10, 2019 and November 14, 2019**

No corrections were noted for October 10, 2019

The following corrections were noted for November 14, 2019:

- Page 2, 3<sup>rd</sup> paragraph from the bottom, last sentence reads: The school ~~board~~ is looking to build community pride by being able to host home games and t give the students the technical aspects of the game.  
It should read: The school baseball committee is looking to build community pride by being able to host home games and t give the students the technical aspects of the game.
- Page 2, last line reads: The reason this is being presented to the Conservation Commission is that the plan is to add a fence and clear out some of the ~~bush~~ in the wetland buffer.  
It should read: The reason this is being presented to the Conservation Commission is that the plan is to add a fence and clear out some of the brush in the wetland buffer.
- Page 3, first line reads: Member Shepcaro reported that the ~~bush~~ is mainly ~~all~~ invasives.  
It should read: Member Shepcaro reported that the brush is mainly invasives.
- Page 3, 2<sup>nd</sup> Paragraph reads; The School ~~Board~~ would like to have a working infield by spring.  
It should read: The School Baseball Committee would like to have a working infield by spring.
- Page 3, 2<sup>nd</sup> to the bottom paragraph reads; It has also been ~~read~~ by Mr. ~~Mareno~~ with the Commission's comments and ~~corrects~~.  
It should read: It has also been edited by Mr. Moreno to reflect the Commission's comments and corrections.
- Page 4, 2<sup>nd</sup> paragraph reads; Member Shepcaro stated that part of the last forest management plan was to remove some of the trees (~~Silver~~ Culture).  
It should read; Member Shepcaro stated that part of the last forest management plan was to remove some of the trees (Silva Culture).
- Page 4, 2<sup>nd</sup> paragraph, line 6 reads: In the new plan, the first goals are mainly protecting soils and spaces with bog bridging, rerouting trails and making sure that the ~~boarders~~ are secure and that there are no problems with the abutters.  
It should read: In the new plan, the first goals are mainly protecting soils and spaces with bog bridging, rerouting trails and making sure that the borders are secure and that there are no problems with the abutters.
- Motion on page 4 reads: Motion by Susan Shepcaro to accept the Forest Management Plan as presented by Charles ~~Mareno~~ and Associates.  
It should read: Motion by Susan Shepcaro to accept the Forest Management Plan as presented by Charles Moreno and Associates.
- Page 5, 3<sup>rd</sup> line from the bottom reads: Member Shepcaro stated that as soon as the painting is done, she definitely wants to so a trail gate at the Town Forest.
- It should read: Member Shepcaro stated that as soon as the trail marking painting is done, she definitely wants to so a trail gate at the Town Forest.

**Motion to approve the minutes of October 10, 2019 as presented and November 14, 2019 as amended by Suzanne McFarland. Seconded by Susan Shepcaro. All in favor.**

**Motion to approve the site-walk minutes of October 16, November 20 and 21 as presented by Sally King. Seconded by Susan Shepcaro. All in favor.**

## **V. WETLANDS**

- A.** 2230 Ocean Blvd. Tax Map 53 Lot 66  
Owner: Joan and Harvey Bines  
Landscaping plan, required planting plan 2015 for new construction

Corey Colwell from TF Moran presented.

History: 2014 property was presented to the Conservation Commission with the proposal of a new single-family, two story home.

- The property was within the 100-foot tidal buffer.
- State wetland permits were obtained
- Conservation reviewed and required a landscape plan
- Presented to the Zoning Board for relief of several restrictions

2016: The house was built. The landscape plan was never installed.

2019: There was an accumulation of sand on the property's beach. An application to remove the sand from the wall and cast it out onto the beach was filed.

- On a site-walk with a staff member of the Moran team in September, it was noted by a Conservation Member that the plantings had not been done.

Mr. Colwell explained that the Bines had consulted in the past with a landscape consultant, as there were concerns with the landscape plan that had been presented, and would like to change the plan.

Concerns:

1. The 5 to 6-foot high plantings, called Serviceberry, would impact the neighbors view.
2. The proposed area for flowering plants is in the only area where the snow plow can push the snow. Also, the area is the loading and unloading area for beach activities.
3. The amount of planting area, combined with the patio, left no usable space.

Conservations Recommendations:

- Regrading of the beach to be kept to a minimum
- Native plantings installed adjacent to the seawall
- Must submit a new landscape plan to the Rye Conservation Commission.

Mr. Colwell presented the new landscape plan to the Commission.

Changes:

- The overall plantings on the new plan is less than the old plan
- Using the same native plants that are being used on the properties north and south of the Bines
- Use a thick/dense row of Rosa Rugosa
- Abandon the Serviceberries and the flowering plants
- Plant across the whole length the front

Vice-Chair McFarland recommended that the north border be planted with something. It does not have to be the Serviceberries. She pointed out that in the new maps, this property is totally in the flood zone and anything that can be done to stabilize the corners and the front would be beneficial to the neighborhood.

**Decision:** Mr. Colwell will meet with the Bines to discuss the Conservation's concerns and to revise the plan by adding more plantings. This issue will be placed on the January Conservation meeting agenda. Mr. Colwell will return with the revised plan for the Commission's review.

- B.** Tax Map 023 Lot 001, Verizon, Cell Tower, Port Way  
Attorney Victor Manougian (McLane Middleton)  
Audra Klumb, NH Certified Wetland Scientist

Attorney Victor Manougian of McLane Middleton representing Verizon Wireless presented.

Relief Within the Buffer Zone Required:

1. The 50X50 fenced in compound area is within the buffer
2. The driveway is within the buffer

The tower has the required fall-zone and setback requirements, which caused it to be in the buffer. The project has no direct impact to the wetlands; however, the access driveway is very close to (abuts) the wetlands. There is no crossing or altering of the wetlands. The driveway will be gravel and will mostly be on the existing woods road.

**Decision:** Site-walk to be scheduled jointly with the Planning Board, Select Board and Conservation.

- C.** 16 Richard Road, Tax Map 5.2 Lot 156  
Owners: Rob and Lori Wright  
Remediation

Mr. Roger Wittner, Senior Project Manager of Chinburg Builders, spoke with Chair King and Vice-Chair McFarland prior to the meeting. He reported that the Wrights have not able to do the planting because of the time of year. They are interested in selling the property. Mr. Wittner stated that he will draft a statement guaranteeing that the plantings will be done and that the Wrights would place money in escrow with the Town to insure this.

## **VI. PENDING SITE WALKS**

- Signature and Autumn Lane access points

Chair King reported that there has been a lot of trees cut in the area. Building Inspector Rowell reported that he had issued a notice of violation but the cuttings are still going on. The people that have built the new house are the ones cutting. They have also put grass through the access point to conservation land at the end of Signature Lane. She recommended getting the Town Attorney involved and charging them with trespassing.

Member Garvan recommended charging them with timber trespassing, because it provides for ten times the damages.

The Commission agreed that conservation markings need to be posted and a site-walk will be scheduled.

**Decision: Site-walk scheduled Monday, December 16<sup>th</sup>, 3:45 p.m.**

- 314 Brackett Road, Map 019 Lot 136  
Owner: Marc Grondahl

Chair King explained that Mr. Grondahl's engineer, Jonathan Harvey, presented a proposed driveway plan to the Commission at their November 14th meeting. A site-walk was done on November 20<sup>th</sup>. She stated that she has been communicating with the attorney and has requested that another site-walk be done, because the project wasn't marked well and the representative that was at the last site-walk couldn't answer any questions.

Chair King also reported that in the interim they obtained a DES permit, which stated that the Conservation Commission had not made a comment on the proposed plan. She pointed out that the comment had not been made because the project wasn't marked clearly and the questions were not answered yet. She added that Eben Lewis at DES is aware of this and stated that the Commission could appeal the permit. She felt that is a good way to proceed. They have until January 8<sup>th</sup>.

Chair King recommended that the Commission does a site-walk and in the meantime fill the appeal.

Member Oliver will be handling the appeal.

**Decision: Site-walk scheduled Monday, December 16<sup>th</sup>, 3:00 p.m.**

## **VII. OTHER BUSINESS**

### **A. Update on 1090 Washington Road**

Chair King stated that she will confer with Attorney Donovan on this issue.

### **B. Planting Plan at 1611 Ocean Blvd.**

Member Garvan asked that there be discussion on this property.

Member Shepcaro explained that Matt Barton is the landscaper and had presented a planting plan. She reminded the members that Member Grote had some comments on the plan and didn't like the way it had been so casually done. She pointed out that there will be no planting done until spring. Member Shepcaro recommended that Mr. Barton come back to talk to the Commission.

**Decision: Member Shepcaro will contact Mr. Barton and have him come to the January meeting.**

### **C. Schedule public session Town Forest Report**

Member Shepcaro stated that she had talked with Tracey Degnan at Rockingham County Conservation back after the approval in November. Ms. Degnan had said that she would not be able to get on the agenda for the County's approval until their December meeting.

Chair King stated that she will follow-up with Ms. Degnan.

Member Garvan recommended that as soon as they get the approval from Rockingham, putting the report on the Conservation's website and scheduling the Public Hearing for mid-January.

## **VIII. CORRESPONDENCE**

Member Shepcaro reported that Doug Abrams and she attended the Recreation Commission's meeting regarding the cell tower. He was unable to attend tonight's meeting, so she recommended that he write a letter to the Commission.

She read Mr. Abrams letter, objecting to the placement of a cell tower on the Recreation property, to the Commission.

Member Shepcaro reported that the Recreation Commission voted unanimously to not allow a cell tower on the property.

Chair King reported that she received correspondence from Southeast Land Trust regarding the motoring on the Locke Road parcel. There is a hunter or hunters placing traps on the property to bait deer. The owner would like to post the property. Chair King talked to Southeast Land Trust, they felt that it should be posted as "No Trespassing". Chair King asked that a couple of the members help Mrs. White (the property owner) to place the signs.

**Decision: Chair King, Member Shepcaro and Member Garvan will do the sign placements with Mrs. White.**

- DES File Number: 2019-02320: Karen A Finnigan and Anthony J Jalbert, Map 9.2 Lot 23, approval received from DES.
- Map 12 Lot 91 1870 Ocean Blvd. Dredging in Rye Harbor – DES approval received.

**Decision: Both to be placed on file.**

## **IX. OTHER BUSINESS**

The members discussed joining the efforts of The Pollinator Pathways and agreed that it is a good conservation tool. Member Reed will be the liaison for the Commission.

## **X. BILLS**

- A. Water Workshop – Suzanne - \$287.91
- B. Water Workshop – Karen - \$10.78
- C. RCCD – 3 bills
  - a. \$821.80 consulting
  - b. \$765.00 acquisition
  - c. \$612.00 property maintenance
  - d. BCK Excavation – \$715.00 – Goss Farm voted upon Dec 5th, 2019
  - e. Jeff Ireland – Plowing \$40.00 - property maintenance

**Motion by Mark Garvan to pay the bills as presented. Seconded by Dana Truslow. All in favor.**

## **ADJOURNMENT**

**Motion by Jeff Gardner to adjourn at 9:01 p.m. Seconded by Mike Garvan. All in favor.**

Respectfully Submitted: Dyana F. Ledger