

RYE CONSERVATION COMMISSION

Tuesday, December 17, 2019

4:00 p.m.

Rye Town Hall

Members Present: Chair Sally King, Mike Garvan, Jeff Gardner, Susan Shepcaro, Jaci Grote, Heather Reed, Danna Truslow and Karen Oliver.

I. CALL TO ORDER

Chair King called the meeting to order at 4:00 p.m. and led the Pledge of Allegiance.

II. PUBLIC HEARING

The purpose of the hearing is to discuss acquisition of a Conservation purchase of .48 acre, 0 Williams Street, Tax Map 17.4, Lot 026, owned by Robert P. Blake and Constance L. Blake.

The public hearing was opened at 4:02 p.m.

Chair King noted the parcel that is being proposed for purchase abuts conservation land. The parcel abuts Massacre Marsh and is primarily upland. The purchase price is \$10,000 and the land is appraised at \$37,500.

Member Truslow asked if there will be public access to the property.

Chair King replied there is an easement over the property for access. The Commission will need to decide what the purpose of the property will be. She noted the funds for the purchase will be coming from the Commission's acquisition fund.

Member Shepcaro stated the parcel is very useful for the fact that it is against the marsh and will prevent someone from building there.

There were no members of the public present for comment.

Motion by Jaci Grote to acquire said property for ten thousand dollars (\$10,000).

Seconded by Susan Shepcaro.

Roll Call Vote:

Jeff Gardner – Aye

Mike Garvan – Aye

Jaci Grote – Aye

Sally King – Aye

Heather Reed – Aye

Susan Shepcaro – Aye
Danna Truslow – Aye
Karen Oliver – Aye
All in favor. Motion passed.

The public hearing was closed at 4:05 p.m.

III. OTHER BUSINESS

- Member Shepcaro stated that at the November meeting she brought up 250 Locke Road. She summarized that the people who own the property needed a certificate of occupancy and the house is very close to the buffer line. The property owners have not done any planting. Member Shepcaro commented that in the front there is a pipe sticking out of the ground. There is also a raingarden. Right now, there is a giant pile of sand in the raingarden.

Chair King asked Member Shepcaro to follow up with Suzanne McFarland to see if she spoke with Building Inspector Peter Rowell about the issue.

Member Shepcaro agreed to follow up.

Member Garvan pointed out that the owners have had enough time to get this work done.

The other members agreed.

- Chair King noted that the Commission has been asked to revisit 4 Winslow Way because the owners are waiting for their certificate of occupancy.

Jaci Grote and Mike Garvan agreed to visit the site to follow up on the work requested by the Conservation Commission.

- There was some discussion in regards to the process for filing an application for a wetlands permit.

In regards to an appeal on the Grondahl property, Alternate Oliver stated the Commission has a certain amount of time to let the DES know if they want to comment. If the Commission does not comment, the project can move forward. She continued there is a statute that states if something goes into a “prime wetland”, DES is required to send the Commission a notice.

Member Truslow noted that Rye does not have “prime wetland” designation.

Member Grote commented if that is something the Commission wants it will need to be put into Rye’s zoning.

Member Truslow explained a wetland scientist has to conduct a prime wetland evaluation of the town's wetlands. If the Commission agrees with the evaluation, it can be written into the regulations.

Referring back to the process, Chair King stated that when a wetlands application is received by the Town, they will call her or Suzanne McFarland. The Commission tries to hear an application, set up site walks and write up the comments for DES very quickly. There has not been an issue with something being approved without the Commission commenting on it.

Alternate Oliver stated that DES is supposed to make specific findings with regard to what the Conservation Commission says.

Referring to the Grondahl property, Chair King noted that Suzanne McFarland was really upset that something was not sent to the Commission, as the application was going to hit before there was time for comment. She commented it would have been a smart thing for them to contact the Commission because now it will potentially take longer for their project with the appeal process.

Alternate Oliver noted that the application will be before the ZBA on January 8th and she would love to have the comments to incorporate those into an appeal.

Speaking to Member Gardner, Chair King asked if the Commission has ever filed an appeal in the past.

Member Gardner replied not that he is aware of. He stated that there have been wetland applications approved that the Commission has opposed. It's the zoning board's call. He commented that DES generally approves things.

Chair King commented the Commission is really appealing the fact that they did not get the opportunity to comment.

Member Shepcaro pointed out the markings on the first site walk were completely different than it was yesterday. She thinks this is a grounds for appeal.

Member Gardner stated the Commission should contact DES to ask for an extension because it was not applied right.

Member Grote stated she was surprised they were issued a permit without any input from the Commission.

Alternate Oliver noted if there is a public hearing for a permit that has been applied for, it is required to be in the application and on record with DES.

Chair King stated that Engineer Brian Pratt sent an email stating they have identified 51 trees that are in the wetlands and buffer that would need to be cut to put in the road.

Member Garvan pointed out that the Commission was invited back to the property for another site walk.

Member Gardner asked if the Commission can just say they are opposed to the project, as they are requesting to cut 51 trees and fill wetlands. As a Conservation Commission, he does not know how they can support a project like this.

Chair King agreed. She would still like to file an appeal so it will be noted.

Member Truslow noted the appeal is to the State process and the letter of opposition is to the zoning board.

The Commission agreed that both steps should be done.

Member Garvan commented it would look like the Commission has done their due diligence by revisiting the site.

Chair King pointed out they have marked the 51 trees also.

Member Grote stated when the Commission first visited the site, the applicants were given strict instructions on what they were to do. At the meeting where they made their presentation, the Commission said that they wanted to know exactly where the driveway was going to be. They said they could have that marked out for the site walk. When the Commission got to the site walk, it was not marked. There have been actions that lead one to believe that they are not going to be cooperative. Secondly, they led the Commission down a path and indicated it was going to be the driveway, when it was not. Basically, the site walk was null and void because they had not met their part of the bargain. When the Commission went back yesterday, there were a number of members that were at both the first and second site walk that said if the driveway was indeed going to be in the proposed location, this is not something they would support.

Member Shepcaro stated the Commission should go back because they had asked for the trees to be marked.

Member Garvan stated that he will get a draft of the letter prepared and will reference the number of trees.

The members agreed another site walk was needed.

❖ **Site Walk scheduled for Thursday, December 19th, 3:45 p.m.**

ADJOURNMENT

Motion by Jeff Gardner to adjourn at 4:30 p.m. Seconded by Jaci Grote. All in favor.

Respectfully Submitted, Dyana F. Ledger

**Town of Rye Conservation Commission
PUBLIC HEARING
December 17, 2019, 4:00 p.m., Rye Town Hall**

The purpose of the hearing to discuss acquisition of a Conservation purchase of .48 acre, 0 Williams Street, Tax Map 17.4 Lot 026 owned by Robert P. Blake and Constance L. Blake.

Name (please print)	Address	Signature
Sally King	535 Willis Rd	Sally King
Jan Grotz	124 Washington Rd	Jan Grotz
Suzanne Sheper	45 Recreation Rd	Suzanne Sheper
JEFF GARDNER	6 Brackett Rd	Jeff Gardner
F. P. GARVAN	220 Washington Rd	F. P. Garvan
Donna Taylor	1065 Washington Rd	Donna Taylor
Heather Reed	165 West Rd	Heather Reed
Karen Oliver	1159 Washington Rd	Karen Oliver