

# **RYE CONSERVATION COMMISSION MEETING**

**Thursday, February 13, 2020  
7:00 p.m. – Rye Town Hall**

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

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

Chair King called the meeting to order at 7:03 and led the pledge of allegiance.

## **II. APPROVAL OF MINUTES**

- January 9, 2020

Corrections:

- Page 1, under corrections noted, 4<sup>th</sup> bullet should read: **The school baseball field committee.**
- Page 3, paragraph 1, last line: **the walkway is being replaced.**
- Page 3, paragraph 7 should read: **Vice-Chair McFarland noted the 2018 Water Resources Map (WRM) show the location for the proposed stonewall as being a restoration priority area.**
- Page 4, middle paragraph, 5<sup>th</sup> sentence from bottom should read: **With a foundation, the digging can be done with a mini excavator,**
- Page 5, paragraph 3, 2<sup>nd</sup> sentence should read: **Member Garvan explained there are a number of conservation properties that the Conservation Commission manages that allow hunting.**
- Page 5, paragraph 3, 4<sup>th</sup> sentence from bottom: **Additionally, in the Wildlife Management Areas, Fish and Game has a restriction that a stand cannot be up before August 1<sup>st</sup> and has to be taken down by December 31<sup>st</sup>.**
- Page 6, paragraph 5 should read: **It was noted by the Commission that the only rules that are being proposed are identification on the tree stands and pulling the stand by January 31<sup>st</sup> with it not being up before August 1<sup>st</sup>.**
- Page 8, paragraph 7, last sentence should read: **A letter to the abutters notifying them has been sent out.**
- Page 9, paragraph 7 should read: **Vice-Chair McFarland noted that the five acres at the rec area is in the high priority protection area.**
- Page 11, paragraph 7 it should be noted: **Liam should be Lium**
- Page 12, paragraph 12, the vote to go into non-public included a “yes” vote from **Suzanne McFarland (not Suzanne Shepcaro).**

The Commission agreed on the minutes as amended.

### III. SITE WALK MINUTES

*None*

### IV. WETLANDS

- A. 1611 Ocean Blvd, Tax Map 23, Lot 06  
Matt Barton – landscaper  
BOS – NOD landscaping plan
  - *Continued to March 12, 2020*
- B. 120 Garland Road, Tax Map 07, Lot 113  
Owner: Zachariah U. Malpass  
Mark West – West Environmental  
Dam, Bailey's Brook
  - *Continued to March 12, 2020*
- C. 40 Brackett Road, Tax Map 022, Lot 090  
Owner: Eric A. Cummings and Cheryl Ann G. Loren  
Steve Riker – Ambit Engineering  
New septic system and porch
  - *Continued to March 12, 2020*
- D. 18 Straw's Point Road, Tax Map 9.1, Lot 13  
Owner: Kurt Swenson  
Sean Moriarty – Ambit Engineering  
Replacement/repair stone revetment, 6061 permanent sq. ft.

**Sean Moriarty, Ambit Engineering**, presented the plan to repair the stone revetment at 18 Straw's Point Road. The plan is to tie into the existing revetment to make improvements in an area that has seen some damage from the ocean. He noted that there is one minor change to the temporary impact, as the area had to be made a bit bigger in order to fit the excavator. Mr. Moriarty reviewed the materials being used for the project. He noted that the plan is not final; however, a site walk could be set up with the Commission.

Chair King asked that if anything changes in the plan that a revised plan be sent to the Commission. She also asked that he contact the Commission when the application is ready for a site walk.

- **Site walk to be scheduled when the applicant contacts the Commission once site plan is complete.**
- E. 68 Port Way, Tax Map 023, Lot 001  
Verizon Cell Tower  
Attorney John Weaver – McLane Middleton  
Tree cutting

**Attorney John Weaver, on behalf of Verizon**, spoke to the Commission. He noted that the plans were presented previously to the Commission for two different variances. One variance is related to the installation of the access road to the compound where the tower will be located. The road goes through some wetlands located on the property. During the site walk on January 4<sup>th</sup> with members of the Board of

Adjustment and Planning Board, it was discovered there is an additional variance that will be required because there are some trees that measure 4" in diameter at 4' high that will be taken down. They are present before the Commission in response to having to file for that variance. It was noted that the exact number of trees has not yet been determined. The revised plans show the 75' wetland buffer and also the extent of the cutting. The compound is 50'x50' and the leased area extends to 100'x100'. The proposal is to cut within the 50'x50' fenced in area, as well as 10' around.

Chair King pointed out that there is concern about how much will be cut. Some people felt that looking over from the marsh pond, the tower would be more visible than they would like.

Attorney Weaver stated that he does not think the trees that are coming down will impact that one way or the other, as the height extends above the tree line and would not be any better or worse with the trees gone.

Chair King asked if the height of the tower has been determined.

Attorney Weaver replied it has not been determined. He noted that Verizon has a proposal for 126'. The boards have asked for more information regarding coverage and what it would look like for a 150' tower. The concern is that there are two carriers on the tower up to 126'. If the third and fourth carriers on the tower do not have enough height to provide satisfactory coverage, there was concern that they might seek to build another tower someplace else. That is an issue the Board of Adjustment and Planning Board are weighing right now.

The Commission reviewed the height of the tower on the plan.

**Chip Fredette, Site Acquisition Specialist**, explained that in this unique situation, AT&T is supporting the project. The model footprint at AT&T's proposed height is 109'. He pointed out that the plans show the lowest height that Verizon can go to make this work and that is at 121'. Verizon is required by the zoning ordinance to build the site, from a structural standpoint, to physically be able to carry Verizon and three future carriers. He noted that this is what is shown on the plan. The compound will be built large enough to accommodate Verizon, AT&T and two additional carriers. It is not sure if other carriers will be added; however, that has to be planned for because it is required by the code and that is what the industry does.

Chair King asked if the base would change depending on the height.

Mr. Fredette explained that the base and the pole will not change much by going from 126' to 150'. The foundation will probably get slightly larger. Each new tower site that is built is designed specifically for that location. Once approval is received from the BOA and the Planning Board, a geo-technical study will be completed for soil borings. That information will be sent to the tower company and the foundation will be designed specifically to that location. He noted that the compound will remain 50'x50' regardless of whether the tower is 126' or 150'.

The Commission continued to review the plan.

Mr. Fredette stated that the need for the variance is because trees are proposed to be cut within the 75' buffer. A tree survey is going to be commissioned. He asked the Commission if they are looking for the trees to be marked that are proposed to be cut within the buffer or if all the trees in the 60'x60' area should be flagged.

Member Garvan replied the 4" trees within the buffer.

Member Grote stated that she understands why the trees have to be cut in the 50'x50' area. She asked why they will be cutting an extra 10'.

Attorney Weaver explained this is for maintenance and installation of the fencing.

Member Garvan pointed out it will keep the trees from falling onto the compound.

Member Grote asked if Verizon is responsible for maintaining the compound.

Attorney Weaver confirmed.

The Commission finished their review.

- **Verizon will be before the BOA and Planning Board for a public hearing on Tuesday, February 18<sup>th</sup>, 6:00pm, Rye Public Library.**

**F. Rye Elementary Baseball Field**  
511 Sagamore Road, Tax Map 018, Lot 034

**Paula Tssetsilas, 12 Rock Orchard Lane and Rye School Board Member**, presented the baseball field project for the Rye Elementary School. She noted that the School Board supports the project and has put \$23,000 in the proposed budget for construction of the field. She noted that part of the project falls within the wetland buffer zone. The project was presented in November to the Commission. There were some questions from the members as to how much brush will be removed, how far they will be going out for the dugouts and the kind of machinery that will be brought in. This information has been provided to the Commission in a written response.

The Commission reviewed the plan. There was also some discussion on project funding. Mrs. Tssetsilas reviewed the construction of the field and pointed out on the plan the trees proposed to be removed. The Commission had no issues and felt it was a great project.

**G. 381 Sagamore Road, Tax Map 019, Lot 061**  
Ashbrook Properties  
Owner: Ashbrook Properties, Andy Cole  
NOV building department  
Trees cut, building in the wetlands per NWI map

**Mark West, West Environmental**, spoke to the Commission regarding the property at 381 Sagamore Road. He noted that he flagged the wetland boundary. The GIS map showed the wetland right up to the building but in this case, it does not come up that far. He pointed out that behind the house there is a lawn. The wetlands are over an acre so it has a 100' buffer, which comes almost up to the road so

everything is within the buffer. Mr. Cole purchased the home and was working on the garage when the Building Inspector issued a notice of violation for being within the buffer.

Mr. West reviewed the delineated wetland boundary and property boundary on the plan. He also reviewed the areas where work was done on the property. He pointed out the area where there will be plantings between the garage and the fence.

Chair King asked if a planting plan will be done.

Mr. West stated that before he designs a planting plan, he wanted to go over the map with the Commission and get some feedback on the plan. The idea is to potentially plant some small shrubs. Flowers are planned for the area where the gravel is being removed. He assumes the Commission would want the gravel out of the buffer. There is a tree on the corner of the building so the intent is to plant some shade tolerant species like winterberry. Trees will be planted on the south side of the garage where trees were removed.

Chair King commented that the proposal sounds like something the Commission would recommend.

Member Garvan stated that one concern is there are two sump pumps running with a hose running into the wetland. There should be some kind of dry well or other drainage system for those sump pumps.

Alternate Truslow suggested removing a lot of the gravel and bringing it back to make it a smaller area with plantings.

The Commission agreed that the ideas presented by Mr. West made a lot of sense.

- **Site walk scheduled for Wednesday, February 19<sup>th</sup>, 4:15 p.m.**

**H.** 21 Carbee Drive, Tax Map 084, Lot 104  
Owner: William and Nanci Perocchi  
Architect Shannon Alther  
Millennium Engineering – Henry Boyd  
Attorney Tim Phoenix  
New 5-bedroom home

**Henry Boyd, Millennium Engineering**, presented the proposal for 21 Carbee Drive to remove the existing house and to construct a new 5-bedroom home on the property. He noted that the new house will be moved away from the ocean by 50' so it is outside the tidal buffer. The project also includes a saltwater pool and pool deck. The property is 16,418sf and Carbee Drive is owned by this property all the way out to Old Beach Road. He noted that the current FEMA line has been mapped. Almost everything within the lot is in Zone X. The lot also has a very small portion in the AO-1 Zone and a tiny portion in VE-17. The actual land is very flat. It starts at 13 and goes to elevation 15 at the highest point. Carbee Drive is only at elevation 14 or less. It has been found that the on-ground survey is very accurate to FEMA's new lines. He reviewed FEMA's lines on the plans for the Commission. He also reviewed the stormwater management plan. He reiterated that the entire building has been pulled out of the 100' tidal buffer. The pool deck and the pool are inside the 100' buffer but are still 75' from the highest observable tideline. There will be some grading to the lot, which will create temporary impact. A shoreland plan will be prepared for the wetland permit and will be very similar to the plan before the Commission. He

continued that all of the rooftop area for the new house will be infiltrated into the stone strips. The driveway will be a pervious paver material or porous concrete. The septic system will be under that, as there is no sewer on Carbee Drive. An enviro-septic system is being designed, which is much better than what is there right now. It is unsure where the current tanks are located; however, the existing system seems to be functioning well. Multiple test pits have been done recently to make sure there will be no issues with the new system and it was found that the soils are well drained. He noted that because this is a Single-Family Residence District, the lot is only allowed 15% lot coverage. At this point, the project is at 26.1% but the lot is very small compared to some of the other lots around it. The intent is to infiltrate the runoff wherever they can. The entire structure and pool deck will be elevated to 15.

It was noted that the footprint of the proposed house is about 3200sf.

**Shannon Alther, TMS Architects**, gave a brief overview of the architectural plans.

The Commission reviewed the proposal. There was some discussion about an idea to reduce the impervious coverage on Carbee Drive, equal to the coverage on the lot itself.

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

## **V. PENDING REVIEWS & SITE WALKS**

### **A. 4 Winslow Way, Tax Map 017, Lot 75-1**

- Members Garvan and Grote visited 4 Winslow Way. The planting plan has not been completed, as the construction of the house took longer than expected. The owners invited the Commission to come back any time. Member Garvan told the owners that the Commission will visit the site in the spring when more planting has been completed.

### **B. Hunterville conservation land – update**

- Chair King noted this is a lot that was donated to the Conservation Commission. The properties on either side of the lot are draining onto the land. Also, the abutter to the rear of the lot has expressed that he would like the path to be maintained through to his property. She would like the members to keep this in mind when looking at the parcel in order to decide what to do on the land.

### **C. 2065 Ocean Blvd, Bob Gray – update**

- Chair King will check to see if another site walk is needed; however, a walk was recently done and it seems that the project has been completed.

### **D. 1311-1315 Ocean Blvd, Joan and John Riley – update**

- Commission to revisit the site in May.

### **E. Morgan Court**

- Chair King noted that this is an unbuildable lot and it is now conservation land. The lot is up against the marsh and there are two parking spaces to the left. She thinks this would be a great place for a bog bridge for people to access the property and birdwatch. She would like the members to visit the site so they can come up with some ideas.

## **VI. OTHER BUSINESS**

- A.** RCCD – Final Town Forest Management Plan – public hearing
- Scheduled for the next Conservation Commission Meeting on March 12<sup>th</sup>, at 6:30 p.m., Rye Town Hall. Note: *The public hearing will start a half hour before the regular meeting.*
- B.** Goodwin Conservation Land – easement monitoring – quorum needed
- The land is located at the end of Brackett Road across from Starfish Circle. Member Reed will reach out to the homeowners and try to set up a walk on the site for a weekend in March.
- C.** Letter from the town
- The Select Board has written a letter to the Conservation Commission asking how they can help the Commission in reaching their goals for 2020.  
Member Grote stated that she feels the goals of the Commission are to acquire conservation land, and promote wetland protection with the help from the ZBA. She thinks that the Commission is doing okay right now; however, it is good to let the Select Board know what the priorities are. She noted that the Commission also monitors and maintains conservation properties, along with public outreach and education.  
Alternate Truslow commented that the Select Board can help the Commission by endorsing and supporting the Conservation Commission's public workshops. Member Garvan pointed out there is the natural resource inventory that the Commission is obligated to look into.  
Chair King asked the members to email her some thoughts and she will follow up with the Select Board.
- D.** Strategic Plan – Bond (Article for Rye Newsletter due Friday, Feb. 14<sup>th</sup>)
- There was discussion on putting out signs in town encouraging residents to vote for the conservation bond. Member Grote noted that she has some signs that were used before in her barn. She will pull the signs out to see if they can be amended somehow so they can be reused. It was noted that the signs can be put out as a Commission; however, Conservation funds cannot be used if new signs are ordered. There was also discussion about the possibility of handing out flyers at the Transfer Station, which would need to be brought to the Select Board for a date and time to be scheduled. The Commission can hand out flyers as an individual but not as a member of the Conservation Commission. The members can also use their personal email lists and send notices to friends stating why the bond is being requested. Individuals can also send letters to the editor for the Portsmouth Herald.
  - Member Garvan suggested that the newsletter outline the process for acquiring a parcel; such as, the a through q, public hearing and Select Board approval. Wording could be taken from the Selectmen's letter.

- E.** Learning the a-q
- The a-q is a list detailing the process that is followed for the acquisition of conservation land. This process is followed so it is clear that the Conservation Commission goes through every step every time. The Select Board is allowed to waive any of the steps if appropriate. Chair King will email the list to all members for their review.
- F.** Temporary hunting stands and blinds on conservation land
- Member Garvan noted that this was discussed at the Commission's last meeting. There were three hunters present who were supportive. He has reached out to Shawn Joyce and has worked on some wording. Mr. Joyce sent out an email to people that he knew who hunted in the area. They were told that if there were any questions or concerns that it was going to be voted on at this meeting or they could reach out to Member Garvan. There have been no emails and no one is present at the meeting so it seems that people are okay with it. Member Garvan commented that recently he was walking Seavey and at least three blinds have already been removed. It seems that word has already gotten out to the hunters.

**In regards to tree stands and blinds on Rye conservation land, Mike Garvan moved that;**

- (1) Only portable tree stands and blinds that do not damage trees are allowed on Rye conservation land. Stands and blinds must have the owner's identification (name, address and phone number) attached.**
- (2) Stands and blinds may be installed after August 1<sup>st</sup> and must be removed by January 31<sup>st</sup>. Stands and blinds are prohibited all other times of the year.**

**Jaci Grote seconded by the motion.**

**All in favor. Motion passed.**

- G.** Schedule Goss Farmer's report
- Chair King and Member Shepcaro will be meeting with the farmers on February 22<sup>nd</sup>. Chair King will ask them to attend the March or April meeting. Chair King noted that the farmers had incredible crops last year with more than they could sell. She has spoke with the folks from the Rye's Farmer's Market to see if people would be willing to take a day a week to sell at the Goss Farm. Member Grote agreed to reach out to the Farmer's Market group about this idea.
- H.** Names identifying commission members at the meeting (ZBA has paper)
- Member Grote agreed to work on name cards.
- I.** Boy Scout proposed project
- Member Shepcaro stated that there are three boy scouts who would like to work on a project for the Commission. The proposal is to have them stencil/mark the trees along the bike trail in the woods. This trail runs from the junior high to the recreation area. She noted that this project will be done under adult supervision. She spoke about doing a Trail Gate at the opening of the trail. She also spoke about the possibility of reaching out to the junior high to see if they would like the Commission to speak with students about the use of the woods and the trails. She



is hoping to get some involvement from the community before the opening of the trail.

It was noted that the trail is there and is useable now. The marking of the trees will just make the trail more evident.

Member Shepcaro suggested having signs at the recreation side and at the back of Parsons Field saying “Welcome to the Rye Town Forest bike way”. She would like it called a “bike way” not a “trail” or “path” because there are different trails. **“Welcome to the Rye Town Forest Bike Way connecting Parsons Field to the Rye Recreation area”** (other side: Rye Recreation area to Parsons Field)

**Motion by Susan Shepcaro to accept the services the Boy Scouts are offering to do a project and that project to be marking the bike way between Parsons Field and the Rye Recreation area. Seconded by Mike Garvan. All in favor.**

- J.** Trail maps new cc webpage
  - Discussed
- K.** All events be memorialized with small writings as they happen
  - The Commission agreed this was a great idea so the information is available for the annual report and the town newsletter.  
Member Grote agreed to write up something about the bike way for Rye Magazine’s May issue. Members will send her ideas for the article.
- L.** Annual report placed on the November agenda
  - The Commission agreed.
- M.** HB1380 letter
  - Alternate Truslow wrote a letter to the State in support of restricting jet skis from estuaries, tidal areas, saltmarshes and mud flats. This is basically the area around Berry’s Brook, Parson’s Creek, Witch Creek, Bailey’s and Awcomin’ Marsh over to Harbor Marsh.  
Member Grote explained that last year Seabrook and Hampton banned jet skis from their estuaries. There is a concern that the jet skis would then come to Rye. Representative Kate Murray put the bill together and a public hearing was held. She noted that Eben Lewis from NH DES is in complete support of the bill. The bill will be going to the committee for approval of an amendment and to the House. Representative Murray will follow the bill and keep Member Grote informed.
  - Member Grote noted that there is a lot of support for the Prime Wetland Bill from not only the conservation groups but also from NH Foresters. This is something she is pursuing with Judith Spang, who knows wetland legislature very well. She has been speaking with Representative Spang about the advantages for Rye and what would need to be done to designate the area as prime wetlands.
- Pollinator Pathway is being held Thursday, February 27<sup>th</sup> at 7:00 p.m., at the Rye Junior High with a snow date of March 2<sup>nd</sup>.
- Member Reed noted that she has offered to create a Facebook page for the Rye Conservation Commission. She suggested that all conservation members have access to

the page in order to post items of interest, education pieces and information about the bond. Member Reed agreed to follow up with the Town's social media policy before creating the page.

- The Commission's appeal that was filed for the Grondahl property at 314 Brackett Road was accepted by NH DES. A hearing will be held in Concord with a date to be determined. The Commission will hold a non-public session to discuss how to respond to the hearing once a date is determined.
- Member Garvan noted that the Seacoast Velo-Kids have not had a permit for the past couple of years. He will contact the people who run the group and let them know that they need to come to the Commission to discuss plans for another permit. The Police Chief will add them to the Select Board's agenda for approval of the permit.

## **VII. CORRESPONDENCE**

- A. January 21, 2020 – 40 Brackett Road, Tax Map 22, Lot 90, NH DES accepted application, Expedited Minimum Impact, new septic system and porch
  - *Noted by the Commission.*
- B. November 4, 2019 – 175 Harbor Road, Tax Map 9.2, Lot 22, NH DES permit #209.02370, new dock
  - *Noted by the Commission.*

## **VIII. BILLS**

- Suzanne – Southport Printing 490, print and laminate 2 more maps
- FedEx copying – resident - \$29.84
- Eversource - \$42.62
- James Verra Surveying - \$2,079.34 – Autumn Lane (encumbered funds)
- James Verra Surveying - \$2,164.47 – Autumn Lane, Signature Drive (encumbered funds)

**Motion by Jaci Grote to pay the bills as presented. Seconded by Mike Garvan. All in favor.**

- Seacoast Tree - \$2,550 – tree service (encumbered funds)

**Motion by Jaci Grote to pay Seacoast Tree in the amount of \$2,550 after the work is reviewed. Seconded by Susan Shepcaro. All in favor.**

## **IX. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (e) Legal**

**At 9:35 p.m., Jaci Grote made a motion to go into non-public session per RSA 91-A:3, II (e) Legal. Seconded by Mike Garvan.**

**Roll Call: Danna Truslow – Aye, Susan Shepcaro – Aye, Heather Reed – Aye, Sally King – Aye, Jaci Grote – Aye, Mike Garvan – Aye, Karen Oliver – Aye**

**The Commission came out of non-public at 9:49 p.m.**

**Motion by Mike Garvan to seal the minutes of the non-public session. Seconded by Jaci Grote. All in favor.**

**ADJOURNMENT**

**Motion by Mike Garvan to adjourn at 9:50 p.m. Seconded by Jaci Grote. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger