

**RYE CONSERVATION COMMISSION  
MEETING**

**Wednesday, May 13, 2020  
5:00 p.m. – Rye Town Hall**

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

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

Chair McFarland called the meeting to order via Zoom teleconferencing at 5:00 p.m. and led the Pledge of Allegiance.

Statement by Chair McFarland:

*As chair of the Conservation Commission, I find that due the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.*

*Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:*

*Utilizing Zoom for this electronic meeting. All members of the Commission have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting by dialing the following phone number: 646-558-8656 with meeting ID: 816-5327-4934 Password: 698471 or participate via Zoom.*

*We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the Commission at [town.rye.nh.us](http://town.rye.nh.us) on the Conservation Commission page and click on agenda for this meeting. If anyone has a problem, please call Kate at 603-964-5523 or email: [kdrago@town.rye.nh.us](mailto:kdrago@town.rye.nh.us)*

*In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.*

*Please note that all votes that are taken during this meeting shall be done by roll call vote.*

**Attendance by Roll Call:**

- Suzanne McFarland
- Heather Reed
- Danna Truslow
- Jaci Grote
- Mike Garvan
- Jeff Gardner
- Sally King
- Karen Oliver

*(All members noted that there was no one else present in the room with them for the meeting.)*

## **II. MINUTES – site walk March 18, 2020**

**Motion by Karen Oliver to approve the site walk minutes of March 18, 2020 as presented.**

**Seconded by Heather Reed.**

**Roll Call: Suzanne McFarland – Aye; Danna Truslow – Aye; Jaci Grote – Abstain; Sally King – Aye; Mike Garvan – Abstain; Heather Reed – Aye; Jeff Gardner – Abstain; Karen Oliver – Aye**

**Motion passed.**

## **III. WETLAND APPLICATIONS:**

### **A. 2220 Ocean Blvd., Tax Map 5.3, Lot 64**

Owner: Edward O'Meara and Joyce O'Shaughnessy  
Eric Salovitch, TF Moran Engineering  
Regarding beach sand

**Eric Salovitch, TF Moran Engineering**, presented the proposed project for 2220 Ocean Boulevard owned by Edward O'Meara and Joyce O'Shaughnessy. The property is just under .4-acres and abuts the Atlantic Ocean and Sea Beach. The application proposes to regrade 3400sf of accumulated beach sand along the seawall. The purpose of the permit is to complete necessary regrading after storm events. Mr. O'Meara first obtained a permit to regrade the beach in 2009, which was extended in 2014. The permit expired in 2019. Mr. Salovitch noted the work is a cumulative effort with the neighbors. It is a similar scope of work as presented to the Commission in the fall of 2019 for the Bines' property. All the work for the properties will be done by one contractor who has done the work for these properties for many years. The intent is to maintain the seawall and protect the properties from accumulated sand. The permit has already been filed with the State and the owners are waiting to hear back from NH DES. (Mr. Salovitch presented the plan on the screen for the Commission's review.)

Chair McFarland asked if the intent is to do this project before Memorial Day.

Mr. Salovitch replied that if the State permit is approved, yes. The neighbors are waiting for the permit for 2220 Ocean Blvd to come through so all four properties involved can be done at once. If the permit does not come before Memorial Day, the project will be done shortly thereafter. NH DES has confirmed that the work can be done in June because of the current situation with COVID-19.

Chair McFarland noted the Commission has permission to conduct site walks with a limited number of members and proper social distancing. She suggested tentatively setting a site walk date and time.

Mr. Salovitch presented photos showing the property and area from the beach side.

Member Truslow reminded the commission members that a site walk was done for the adjacent property last year. She is not sure another site walk is necessary.

Vice-Chair King commented that she did not see any plantings on the plan. She asked if this is just sand shifting.

Mr. Salovitch noted that all of the work is outside of the seawall. He commented that the Bines' project did involve plantings, but not this proposal.

The Commission agreed that a site walk was not needed.

**Motion by Mike Garvan to approve the application for 2220 Ocean Boulevard as presented.  
Seconded by Jaci Grote.**

**Roll Call: Suzanne McFarland – Aye; Danna Truslow – Aye; Heather Reed – Aye; Jaci Grote – Aye; Sally King – Aye; Jeff Gardner – Aye; Karen Oliver – Aye; Mike Garvan – Aye  
Motion passed.**

**B. 941 Ocean Blvd., Tax Map 20.2, Lot 141**

Owner: Elizabeth and Denis Dillon  
Susan J. Faretra, Faretra Septic Design  
Failed septic system

**Susan Faretra, Faretra Septic Design**, presented the proposal on the screen for the replacement of the septic system at 941 Ocean Boulevard. The property is located across from the ocean. Access to the area for the replacement system goes through about 16ft of the tidal buffer zone. The proposed system is an advanced pre-treatment system. The septic tank will be installed near the current tank's location. It will be pulled forward towards the road to create the most distance as possible from the wetlands. (Ms. Faretra pointed out the wetlands on the plan for the Commission.) The primary effort for the expedited permit is to get access to the area for the construction of the new septic system. There is a secondary issue being addressed with this application. After a new foundation was installed on an abutting property, ponding began to happen in the backyard of 2220 Ocean Blvd. About a year later, the septic system started having problems. The owners had some drainage work done in the summer of 2019 to try to help alleviate the ponding. Ms. Faretra noted that Wetland Scientist, Sergio Bonilla delineated the area as a poorly drained wetland. (She pointed out the area on the plan.) The area is a mowed lawn but has gotten wetter over a period of time. NH DES Wetlands Bureau wanted this information addressed for this permit. DES also requested that the access area be addressed.

**Sergio Bonilla, Wetland Scientist for the project**, spoke to the Commission about the delineation of the poorly drained wetlands. He also spoke about proposed plantings, which will also be a part of the project.

Ms. Faretra reviewed the location of the current septic and the location for the proposed system on the plan for the Commission. She also showed photos of the site focusing in on the drainage system on site. She noted that the existing septic tank is going to be removed. The existing field will probably be abandoned with the distribution box being filled in.

- **Site Walk scheduled for Friday, May 15<sup>th</sup>, 2:00 p.m.**

**C. 44 Pioneer Road, Tax Map 24, Lot 100**

Owner: Carrie W. Olson

Within buffer – move shed, patio, propane tank

**Carrie Olson, applicant**, spoke to the Commission in regards to the proposed projects for 44 Pioneer Road. The first proposal is for the addition of two propane gas tanks along the corner of the garage. The home is currently heated by oil and the intent is to convert the heating to propane. She is also proposing a reconfigured outdoor space along the back of the home. There is currently a dated deck made of manufactured wood material. That deck would be removed and a permeable patio would be installed that would extend from the back of the house to the midway point of the garage. The patio extension would be within the 75ft buffer. The plan is to install a hot tub within the boundaries of the patio with the edge slightly encroaching on the buffer. The last part of the proposal is to move the existing shed, which is currently within the buffer, to the other side of the yard. The proposed location would result in about half of the shed being within the buffer. The intent is to minimize the disturbance in the wetlands, while enhancing the outdoor enjoyment at the residence.

Member Gardner asked if a wetland scientist delineated the wetland.

Ms. Olson noted that the property was surveyed by Allen and Major Engineering. They had a wetland scientist delineate the wetlands on the property.

Member Gardner pointed out that salt marsh is located north of this property. There is a 100ft setback for the saltmarsh.

Chair McFarland pointed out that there may be regular wetlands on the other side also. Mrs. Olson's goal was to hire someone to delineate that.

Vice-Chair King commented it is salt water marsh in that location. She suggested that the person who delineated the wetlands be available for the site walk so they can address any questions.

Member Garvan asked if the proposed patio and hot tub could be moved further down so the edge of those would be out of the 75ft buffer.

Mrs. Olson explained that at the end of the house is a bow window off her kitchen. The location of the deck was chosen based on the flow of the house and the location of the sliding glass doors. She also noted that the use of the back yard is focused on the southeastern corner of the lot. Moving the deck down would put it within eye sight of the leach field mound and would not be aesthetically ideal.

Ms. Olson agreed to reach out to the wetland scientist for more information to send to Chair McFarland. At that time, a site walk can be scheduled.

**D. Star Island**

Underwood Engineers – Allison Rees, P.E. & Robert Saunders, P.E.

Septic system failure

**Robert Saunders, Underwood Engineers**, explained that the island has a waste water treatment plant that operates during the height of the season when there is a lot of occupancy on the island, approximately six months out of the year. The island has an existing septic system that is not failing but is quite old and is a bit overtaxed. In order to preserve the life of the existing system, a new system is being proposed for just the caretaker's cabin which is used year-round. The existing system will remain in place for the other cabins in the off-shoulder season when the waste water treatment plant is not in use. (Mr. Saunders presented the plan

on the screen and reviewed the proposal.) The system will be an advanced enviro-system. It is oversized for what the caretaker's cabin actually needs; sized at 450 gallons per day where it only needs to be 300. The intent is to have the system installed and the project completed before winter.

The Commission agreed that a site walk would not be possible at this time.

**Motion by Mike Garvan to accept the application as presented. Seconded by Jeff Gardner.**

**Roll Call: Suzanne McFarland – Aye; Heather Reed – Aye; Sally King – Aye; Jeff Gardner – Aye; Jaci Grote – Aye; Karen Oliver – Aye; Danna Truslow – Aye; Mike Garvan – Aye**

**Motion passed.**

#### **IV. PENDING SITE WALKS**

- **1090 Washington Road**, Driftwood Equestrian, Parking Plan – rescheduling due to COVID-19

Chair McFarland noted that she reached out the owners of 1090 Washington Road about scheduling a site walk once it is okay for a larger group to attend. The owners were fine with waiting to schedule that site visit.

- **5 Wentworth Road** – update

Chair McFarland and Vice-Chair King visited the site, as the owners were waiting for a certificate of occupancy. An as-built was prepared by Corey Colwell for the Building Department which included all the plantings. With the confirmation of the plant species and locations, a letter was written by Chair McFarland stating the Commission was fine with it with a caveat of an 85% survival rate for the plantings.

- **16 Richard Road** – update

Chair McFarland and Vice-Chair King visited 16 Richard Road, which was a vacant lot cleared by Chinburg Builders. The plantings have been done. Pictures have been taken and a letter was written.

- **39 Jenness** – update

Chair McFarland noted there have been some filling of the wetlands at 39 Jenness. The property owner and an abutter have been notified, so they understand the rules. She and Vice-Chair King went out to take a look at the site and copies of the letters are in the file.

#### **V. OTHER BUSINESS**

##### **a. RCCD – Invasive Control**

**Tracy Degnan, Rockingham County Conservation District**, spoke to the Commission regarding the two phased invasive control project for the Town Forest. Phase I covers 5.5-acres and was completed last year. There were some areas that could not be accessed that are heavily invaded, which is about 3.5-acres. A couple more pathways are needed in that area on the easterly side of the property. The estimate for Phase I is just over \$5,000. Phase I includes a follow-up in the area that was completed last year with a cut stem basal bark application, which is needed for the larger diameter trees.

Member Reed asked what the action plan is for keeping invasives under control once this work is completed.

Ms. Degnan noted the seacoast is pretty heavily invaded. Management is done over time with volunteer pulls and spot treatments. Ms. Degnan stated that Phase II can happen this year or put off to another year, depending on what the Commission prefers. RCCD just needs to plan their invasive control projects because there is only a certain amount of time to do this during the summer. Phase II is directly adjacent to Phase I and covers 11-acres. A third option is to work on the Awcomin' Marsh phragmites, which would include 5-acres of town owned land and 1-acre of abutting privately owned land. It is up to the Commission if they would like to do this area. Permission would be needed from the abutting land owner, as well.

Vice-Chair King asked about prioritizing the phases.

Ms. Degnan replied that Phase I of the Town Forest should definitely be done because part of it was left over from last year. She would suggest doing the saltmarsh next. After that time, she would look at Phase II, depending upon the Commission's funds and RCCD's timeframe.

Member Grote asked who will be doing the work.

Ms. Degnan explained that RCCD has two licensed pesticide applicators in the State of New Hampshire. RCCD is licensed and has also applied for a special permit, which is needed in sensitive resource areas. They specialize in working with conservation commissions on their properties to restore habitats and manage the invasives. Three or four staff members and interns will go out to the site to do the work.

Member Grote stated she would support having all three areas done. She does not think it will hurt doing more rather than less. She continued that the Town of Rye has confidence in the Rye Conservation Commission, which is why the Commission was able to get the grant. The Commission now has a forest plan and is able to use that to address invasive species.

Member Garvan commented that as an abutter to Varrell Woods, he has seen the invasive work that RCCD has done along that stretch. It is remarkable what they have done with the Knotweed. He thinks it would be a shame to not continue with the program. If the Commission has the funds, he would like to commit to doing all three phases.

Member Reed asked if RCCD will monitor the areas for reinvasion once the work is completed.

Ms. Degnan explained that an effectiveness report has to be done. RCCD will come back in the early fall to review the sites. The reports have to be done for each special permit. This is a way to determine if the work can wait a year or two or if an area needs more work.

Vice-Chair King noted this work is part of the Forest Management Plan recommendations because the Town Forest is particularly afflicted, as compared to some of the other conservation parcels. It really needs to be done.

**Motion by Jaci Grote to authorize Rockingham County Conservation District to complete all three phases, as defined in this meeting. Seconded by Heather Reed.**

**Roll Call: Heather Reed – Aye; Danna Truslow – Aye; Mike Garvan – Aye; Jaci Grote – Aye;**

**Sally King – Aye; Jeff Gardner – Aye; Suzanne McFarland – Aye; Karen Oliver – Aye**  
**Motion passed.**

**b. Town Forest abutter notification**

Member Garvan stated that he, Susan Shepcaro, Dave Tilton, Shawn Joyce and Keriann Roman had a discussion addressing some of the issues of the abutters. The intent was to find some compromise or clarification that would assuage some of their concerns. One thing that everyone thought was reasonable is if the Commission is going to put up fencing for whatever reason, any abutter whose property line is within 25ft of the location of the fencing would be notified. He commented this seems like a common courtesy and could be done as a Town Forest Policy.

**Motion by Mike Garvan that abutters shall be notified if the Conservation Commission is planning to erect fencing within twenty-five (25) feet of their property line in the Rye Town Forest.**

Member Grote asked where the 25ft came from.

Member Garvan replied it just seemed reasonable.

Member Grote asked what the Town's zoning says.

Vice-Chair King commented there is no zoning for fencing.

Member Gardner noted that fences have to be built 1ft off the property line.

Member Grote asked why it would be 25ft if the zoning says 1ft.

Member Garvan pointed out it is just an abutter notification.

Chair McFarland noted that Susan Shepcaro sent notice that she supports providing notice to abutters for fencing within 25ft of the property line. Chair McFarland asked if this will be a written policy.

Member Garvan confirmed.

Vice-Chair King commented that Member Garvan is trying to make it clear and reasonable. That is where the 25ft comes in.

Member Garvan explained there have been some concerns, because in the past, fences have been erected and constructed close to an abutter's property line. It is a courtesy that should have been extended but this will now make it a clear policy.

Member Garvan restated his motion for clarification:

**Motion by Mike Garvan that abutters shall be notified if the Conservation Commission is planning to erect any temporary fencing, in the Rye Town Forest, within twenty-five (25) feet of their property line. Seconded by Suzanne McFarland.**

**Roll Call: Danna Truslow – Aye; Jaci Grote – Aye; Sally King – Aye; Heather Reed – Aye; Karen Oliver – Aye; Jeff Gardner – Aye; Suzanne McFarland – Aye; Mike Garvan – Aye**  
**Motion passed.**

### **c. Plaque – Granite**

Member Grote noted the bronze plaque for the Jim Raynes Forest has been ordered. It should be delivered sometime in the middle of June. She and Vice-Chair King walked the Jim Raynes Forest, behind Signature Drive, and have found a location for the plaque. It can be put on a rock or mounted onto a granite post. She thinks the rock idea is better, so they are looking for a rock to bring to the location. She would like the Commission to start looking at the survey and think about where the trails should go. The intent is to have this done for the beginning of July for a Trailgate or celebratory event at that time, providing group gatherings will be allowed.

Vice-Chair King commented that anyone who would like to work on the trail to the Atlantic White Cedar Forest will be more than welcomed.

Chair McFarland stated that the Commission has two granite posts leftover. There is an absolute need to put them up at Cedar Run because of the access and the jeep that ran through. There have also been some issues at the Rand property. It seems this is getting worse and it is felt that posting should not wait. She suggested they get the granite posts put up with a sign, like the Commission always does.

The Commission agreed to move forward with putting up the posts at Cedar Run.

Member Grote pointed out that they will need two more sets of granite posts for Rand and Jim Raynes Forest.

**Motion by Jaci Grote to purchase four granite posts for usage at Rand Woods and Jim Raynes Forest. Seconded by Mike Garvan.**

**Roll Call: Suzanne McFarland – Aye; Heather Reed – Aye; Danna Truslow – Aye; Sally King – Aye; Karen Oliver – Aye; Jeff Gardner – Aye; Mike Garvan – Aye; Jaci Grote – Aye**  
**Motion passed.**

## **VI. CORRESPONDENCE**

- The owners of 6 Goss Farm Lane, Tax Map 8, Lot 59, with Jones and Beach Engineering, are moving forward with a Shoreline Permit under RSA 482-A. The Commission is being notified as an abutter.
- The NH DES New England Interstate Water Pollution Control Commission and the United States EPA Guide entitled Wetlands Best Management Practice Techniques is available for any member who is interested. Chair McFarland has a copy and will be happy to send that along.

## **VII. BILLS**

- BCM Environmental Land and Law - \$2020.00 (two separate bills for Grondahl)
- Bronze plaque - \$439.00 – Jim Raynes Forest
- Lowe's – \$110.55 - posts for wetland boundary signs for Signature Drive and Autumn Lane.

Referring to the posts for the wetland boundary signs, Chair McFarland reported that DPW is putting the signs together and giving them to Jim Verra to be put into the ground. Jim Verra is plotting the location of the signs onto the survey. The signs will be 1-inch into the property line. There will be a permanent



record of where the signs were placed on a registered survey plan at Rockingham County Registry of Deeds.

**Motion by Jaci Grote to pay the bills as presented. Seconded by Sally King.**

**Roll Call: Sally King – Aye; Suzanne McFarland – Aye; Jeff Gardner – Aye; Karen Oliver – Aye; Danna Truslow – Aye; Mike Garvan – Aye; Heather Reed – Aye; Jaci Grote – Aye**

**Motion passed.**

## **ADJOURNMENT**

**Motion by Danna Truslow to adjourn at 7:15 p.m. Seconded by Jaci Grote.**

**Roll Call: Heather Reed – Aye; Karen Oliver – Aye; Jaci Grote – Aye; Danna Truslow – Aye; Jeff Gardner – Aye; Mike Garvan – Aye; Sally King – Aye; Suzanne McFarland - Aye**

Respectfully Submitted,  
Dyana F. Ledger