

**RYE CONSERVATION COMMISSION
MEETING**

**Thursday, May 14, 2020
7:00 p.m. – Rye Town Hall**

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

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair McFarland called the meeting to order via Zoom teleconferencing at 7:00 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: 819-6889-1722 Password: 573057 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 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

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
- Sally King
- Jeff Gardner
- Mike Garvan
- Susan Shepcaro
- Danna Truslow
- Heather Reed
- Jaci Grote

(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
****Approved at the meeting on May 13, 2020.***

III. WETLAND APPLICATIONS:

a. 1611 Ocean Blvd, Tax Map 023, Lot 06

Matt Barton – landscaper

BOA – NOD landscaping plan, plant back yard wetland buffer

Matt Barton, G & C Landscaping, was present to speak to the plan for 1611 Ocean Blvd for wetland plantings in the back yard.

Chair McFarland presented the landscape plan on the screen for the group to review, which was sent to the Commission before the meeting by Mr. Barton. The plan showed the location and the distance between each planting.

Mr. Barton explained that the project incorporates native New England wetland plants and will cover about 2,400sf of the back yard. The existing lawn is being cut short, as no mulch is being used so the area can grow back to natural. Only the areas where the plants will be planted will be dug up.

Speaking to the Commission, Member Grote asked if grass should be in this area.

Member Gardner noted the intent of a buffer is not to maintain a lawn. The Commission would hope that the plants grow in to fill that space in and it not be kept as a lawn, which is the idea of a buffer.

Mr. Barton stated that he assumes weeds will fill in the area, as it is not being maintained. He asked if it would be better to have the grass growing through the area rather than weeds.

Member Reed replied that if there are enough plantings they will compete with the weeds and keep those out.

Mr. Barton commented that he assumes this would be the same with marshy grass also. He noted that the plan is to mow the grass for the plantings and then let it grow. He also noted the plantings are salt resistant. The intent is to have the plantings completed by June 20th.

The Commission agreed that June 20th would work with scheduling a time to follow up on the site. Mr. Barton agreed to send a notice to the Commission as soon as the work is completed.

Member Grote asked how much of the lawn is going to be cut. She thinks that the lawn is going to grow back as lawn.

Mr. Barton stated he assumes the grass is as it was last year which was weedy, marshy grass.

Chair McFarland noted that there was a stack of bricks in that area that the Conservation Commission wanted removed. When the Commission went back to the site, the bricks were actually in the marsh.

Mr. Barton replied that he believes the new home owner has removed those already.

The Commission agreed to schedule a follow up site walk at their meeting on June 11th for the following week.

Motion by Jaci Grote to approve the plan pending the Conservation Commission's review at a site walk on or around June 20th. Seconded by Jeff Gardner.

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

Motion passed.

b. 4 Washington Road, Tax Map 013, Lot 040

Owner: Jay Mason and Jacqueline Dougherty
Steve Riker, Ambit Engineering
Demolish, build new residence

Steve Riker, Ambit Engineering, spoke to the Commission about the project at 4 Washington Road to tear down the existing home and replace it with a new structure.

Chair McFarland presented the plan on the screen for review.

Mr. Riker explained that the existing house is located in the southeast corner. The proposal is to tear down the existing home and build a new home with new septic. The 100ft tidal buffer zone essentially splits the property in half. There will be 1,146sf of regrading in the buffer area. The permanent impacts are about 90% of the septic field and a small portion of the structure. The remainder of the project is in the shoreland zone. The intent is to move the structure as far away from the wetlands as possible. The house is as far forward on the lot as it can go with a very small driveway to the front. Mr. Riker pointed out that the existing septic is located 82ft to the tidal wetland. Under the proposed plan it will be 90ft. Under existing conditions, the septic is 72ft away from freshwater wetlands and the proposed plan brings it to 81ft. In terms of stormwater management, drip edge aprons are proposed for the structure to capture stormwater from the roof. A buffer planting area is also proposed for the northwest corner of the property. NH DES is looking for comments from the Commission for the wetlands permit. DES has already approved the shoreland permit.

The Commission reviewed the plans on the screen. Referring to the a/c pad in the buffer, Member Grote asked if it could be moved out of that area. Mr. Riker agreed to follow up with the property owner to see if this can be done.

Member Gardner asked if the square footage of the home is being increased.

Mr. Riker replied that the structure is going from 1,131sf to 1,736sf. The total increase in impervious on the lot is going from 1,768sf to 2,065sf. This is a percentage of 19.2 to 22.4.

Vice-Chair King commented that the Commission may want to ask for pervious pavers for the driveway to offset some of the impervious coverage.

The Commission agreed a site walk is needed with the plan staked out.

Member Grote stated that on the site walk she would like to see the existing square footage staked out as compared the proposed. She commented there is not a lot of room on this lot.

The Commission agreed this is a big increase on a small lot of only 9,000sf. There was review of the plans.

- **Site Walk scheduled for Thursday, May 28th, time to be determined. The property will be staked for the Commission's review.**

c. 80 Sagamore Road, Tax Map 022, Lot 031

Owner: James Broom
Eric Weinrieb, Altus Engineering
Demolish, build new residence

Eric Weinrieb, Altus Engineering, spoke to the Commission in regards to the project for 80 Sagamore Road to tear down the existing home and build a new residence. The parcel is about 4.6-acres and is the former Montessori School that was built in the late 90's. There are three driveways to the property with two entrances off Sagamore and one off of Stoneridge Drive. There is a small section of wetland on the parcel with most of the wetlands being on the adjacent property. The wetland buffer comes right up into the property. Mr. Weinrieb presented the plans on the screen which showed the site disturbance within the 100ft buffer. The disturbance includes raising the existing building, removing the playground and adjusting grades. Right now, the existing building comes up close to the property line and the front of the lot. The front setback for the proposal is being made better with this proposal. The best soils on the site are to the front of the property and is the best place for the septic, which will bring it entirely out of the wetlands buffer. The septic will not require any front or side setback zoning relief. The septic also meets all State and local regulations. Mr. Weinrieb noted that the driveway entrance off Stoneridge is being maintained in essentially the same location. The finished floor of the house will be raised above the existing grade by a little over 2ft to get it out of the water table. The total impervious for the lot is being reduced by about 3,800sf, which is about 25% of the impervious area on the site.

The Commission reviewed the plans presented by Mr. Weinrieb on the screen.

- **Site Walk scheduled for Tuesday, May 19th, 11:00 a.m.**

**d. Wentworth by the Sea Country Club, 3rd and 9th hole
60 Wentworth Road, Tax Map 24, Lot 61-26**

Owner: Bill Binnie

Corey Colwell, TF Moran Engineering

Impact requiring compensatory mitigation

Corey Colwell, TF Moran Engineering, spoke in regards to the project for the Wentworth by the Sea Country Club. He introduced Robert Diodati, WBTSCC General Manager and Adele Mattson, Wetland Scientist from Normandeau Associates. He noted that Wentworth has been operating in its current location for over 100 years. The property is about 108-acres in size. The area for the proposed project is right in the middle of the course between the third and ninth holes, which is adjacent to tidal wetlands. Mr. Colwell presented the plan for the proposed project on the screen. The proposal is to construct a wall approximately 3ft in height to allow for the course to be elevated. The purpose of the wall is to provide a delineated line between the tidal marsh and the golf course. At this time, the course slopes down to the marsh. Golf balls being hit in this area are going into the soil out of sight. The intent is to lift the course in order to prevent that plugging. Over the last twenty years, the saltmarsh has expanded significantly onto the course property. In New Hampshire, the property line between the private property and tidal waters is the high-water mark of the saltmarsh. The saltmarsh has been creeping into the Wentworth property, effectively taking land away from the golf course. The wall in this area will prevent the tidal marsh from encroaching onto the property.

Mr. Colwell presented photos of the area on the screen for the Commission. He noted that because the wall is very close to the saltmarsh, with a small section through the saltmarsh, compensatory mitigation is required for this project. As such, they are required to reach out to the Conservation Commission to see if there is a list of mitigation projects for the Town. There have been two meetings with Eben Lewis at NH DES regarding this project. There has also been a conference call with the Army Corps of Engineers. The project will require planning board approval. In order to do this project, a significant payment will be required for the Aquatic Resource Mitigation (ARM) Fund for the State of N.H. The fund is managed by the Department of Environmental Services. If the Town has any local projects, they can apply for some of those funds from this project. He is looking to schedule a site walk with the Commission and get feedback on what is being proposed.

Adele Mattson, Normandeau Associates, spoke in regards to the Aquatic Resource Mitigation Fund and how DES funds different projects.

There was some discussion about projects in town that may be eligible for ARM Funds; such as, footbridges in the Town Forest or drainage improvements to tidal crossings. It was agreed that more information is needed on the ARM Program from the State. The group reviewed the photos that Mr. Colwell presented on the screen showing the area. The proposal will be coming back to the Commission when the application is filed for the Dredge and Fill Permit with DES. Mr. Colwell requested a site walk in order to incorporate the Commission's comments into the proposal.

- **Site Walk scheduled for Thursday, May 28th, time to be determined.**

e. 0 Spring Road, Tax Map 08, Lot 30

Owner: Arthur H. Splaine, Trustee

Beal and Associates

Attorney Tim Phoenix

Replace existing well house with new residence

Attorney Tim Phoenix, representing the property owner, introduced Steve Riker, Ambit Engineering, Joe Nichols, Beals and Associates, and Arthur Splaine, applicant. He noted that 0 Spring Road is about 3.6-acres. The lot is surrounded on three sides by wetlands, which is why relief is needed from the wetland buffer. The project is to build a new residence on the lot. The driveway will be permeable and the new septic will be outside the buffer. Attorney Phoenix noted that the well house is not going to be removed from the lot. The new home will be built in a different location with the well house remaining.

Joe Nichols presented the plan on the screen showing the buffers on the property. Mr. Riker spoke in regards to the wetlands delineation on the site, which he completed in August 2019. It was noted that this lot is what is left over from a larger parcel that was placed in conservation. The total lot was 14-acres and 11-acres was acquired by the Town.

- **Site Walk scheduled for Tuesday, May 26th, 4:00 p.m.**

IV. PENDING SITE WALKS

**None*

V. OTHER BUSINESS

- Forest Green drainage – DPW
**To be addressed at the next RCC Meeting.*
- Workshop with the public for continued education with regard to Rye's Water Resource Protections with Eben Lewis and Tracy Degnan as speakers postponed until the fall.
- NRI update
The committee has been working on the RFP to pick a consultant. The committee has been working on the NRI project for about six or seven weeks.
- Facebook
Member Reed has been working on the Facebook Page. If anyone has anything to post they may send it to her. She will be posting information about the Goss Farm.
- Post Public Town Forest discussion
Member Garvan stated that it was unfortunate that Shawn Joyce did not have an opportunity to get his questions answered. He thinks the Commission should get back to Mr. Joyce with a letter of regret. He also thinks Charlie Moreno should answer Mr. Joyce's questions in writing that can be shared with the public. He thinks it was shortsighted to not have gone a few extra minutes to get Mr. Moreno up to speed with Mr. Joyce's questions. He noted that Member Shepcaro, Keriann Roman, Dave Tilton, Shawn Joyce and himself have to meet on Tuesday. If the RCC has not reached out to Mr. Joyce, it is going to be very unfortunate meeting.

Chair McFarland noted that it was always the plan to get the questions off the recording and get them to Mr. Moreno.

Member Shepcaro stated that she has heard from Mr. Moreno and he apologizes for losing his internet. Mr. Moreno is willing to do whatever needs to be done to answer the questions.

Chair McFarland explained that the Conservation Commission had back to back meetings and only one meeting can be streamed at a time. The public hearing was planned from the beginning to be 5:00 to 6:00. The schedule has to be adhered to.

After some discussion, it was agreed that at the next RCC Meeting, Mr. Joyce's questions should be read, along with the answers, into the record. RCC will promptly get the questions off the recording and send them to Mr. Moreno for his answers. Chair McFarland also agreed to reach out to Shawn Joyce to explain to him what is going on and why the meeting had to be ended. The Commission also agreed that inviting Mr. Moreno back to a meeting to answer follow up questions would be a good idea.

Member Shepcaro asked if the Commission would be voting on the forest management revisions at this meeting.

Member Garvan stated he is uncomfortable doing that until Mr. Joyce's questions are answered and the Commission has a little more time to maybe wordsmith those.

Member Shepcaro stated that Tracy Degnan has given wording that she thinks is appropriate for a management plan and would cover all the basis, as far as what would be needed in the next ten years without knowing what would be happening. This is why it is worded the way it is.

VI. CORRESPONDENCE

- Amanda Hollenbeck – New easement manager for Moody Woods and Massacre Marsh.

VII. BILLS

- Environmental Land and Law - \$2,937.00
- Eversource - Goss Farm - \$19.37

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

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

Motion passed.

ADJOURNMENT

Motion by Jaci Grote to adjourn at 9:35 p.m. Seconded by Sally King.

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

Motion passed.

Respectfully Submitted,
Dyana F. Ledger