

**RYE CONSERVATION COMMISSION  
MEETING**

**Thursday, June 11, 2020  
6:30 p.m. – via Zoom**

***Members Present: Chair Suzanne McFarland, Vice-Chair Sally King, Mike Garvan, Jaci Grote, Jeff Gardner, Susan Shepcaro, 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 6:30 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: 892-9412-5324 Password: 022091 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.*

### **Member Attendance by Roll Call:**

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

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

### **6:30 p.m. – Charlie Moreno Forest Management Plan follow up questions**

Chair McFarland opened the meeting to address follow up questions that were asked by Shawn Joyce during the Forest Management Plan Public Hearing held on May 14<sup>th</sup>. Forester Charlie Moreno reviewed and prepared answers for those questions to discuss at this meeting. He will also answer questions that were submitted through the chat box via Zoom during the hearing and on the Town's Facebook page. If there are further questions from participants at this meeting, Mr. Moreno will address those also if time allows. She introduced Forester Charlie Moreno who prepared the original Town Forest Management Plan and did the recent update.

**Member Shepcaro read the questions that were asked at the May 14<sup>th</sup> public hearing but were not answered at that time, along with the written response from Charlie Moreno:**

- **What other towns have you been asked by a conservation commission to make recommendations for the use of over 500 yards of fencing, or any fencing, to control unleashed dogs?**

**Answer:** I was asked by the Rye Conservation Commission to include specifications for fencing in the Forest Management Plan. The specifications are for temporary fencing that is readily installed or removed. The presence of these specifications in the plan are not a recommendation to either install the fencing or not to install the fencing. This is a policy position that the Town of Rye must take.

- **There is no mention of leash zones in the plan. Do you recommend them over fencing?**

**Answer:** Leash zones may be an excellent solution. Leash zones are preferable to fencing from a variety of standpoints; such as, financial, upkeep, habitat, etc., that fencing requires or may impact. The Forest Management Plan addresses several specific topics about the Rye Town Forest. In working with the Rye Conservation Commission, I made it clear that the topic of dogs, dog walkers, dog control, etc., in the Town Forest, is not my area of expertise and is beyond the scope of this plan.

- **Why is there no mention of the importance of wildlife conservation, habitat protection and reserve areas in the 2019 plan?**

**Answer:** Reserve areas in the 2003 plan were for areas that would not be silviculturally managed. In other words, harvesting of trees and active management would be excluded. This includes, for example, leaving an area of storm uprooted trees without any attempt to salvage or clean up the trees. The

recommended reserve areas are sensitive from a wetland standpoint or logistically difficult to access. The 2003 plan states; “Designate difficult to access areas and fragile wetland areas as no treatment zones. However, reevaluate this status periodically in the future.” Tier I habitat in New Hampshire is not that uncommon. There are thousands of acres in the State. In the Rye Town Forest, Awcomin’ Saltmarsh is the primary Tier I habitat. Smaller Secondary areas include wetlands near the Lebosque and Connell properties, as well as the Varrell Woods area. The Green Trail follows along the edge of the Awcomin’ Saltmarsh and enters sections of Tier I habitat, as mapped by the New Hampshire Wildlife Action Plan (WAP). The N.H. WAP provides coarse filter mapping. It is not exact. Generally, important wetlands and exemplary or unique natural communities are included, but these are broadly mapped and not subject to ground truthing.

The Rye Town Forest is a community resource. It has a trail network which the community enjoys. Wildlife habitat is impacted by trails, as do roads, yards, residences, buildings; all the infrastructure that forms a community. Perhaps the community is striking a balance here, similar to New Hampshire with its state parks and forests, and the U.S. Forest Service with the White Mountain National Forest, accommodating public recreation, even though it has an impact on wildlife. Not all forest land in the Town of Rye has trails, so the community has existing lightly travelled and trail-less areas. Awcomin’ Saltmarsh is the major trail-less area in the Town Forest and arguably it is the most important natural community. There is extensive wildlife coverage in the Forest Management Plan, including the Wildlife Habitat section which address the Town Forest habitats, provides habitat management recommendations and ties to the N.H. Wildlife Action Plan. The N.H. Wildlife Action Plan is a readily accessible online resource that contains a great deal of wildlife information by species.

- The water resources section, which discusses the salt marsh, forested wetlands, and vernal pools; all important habitats.
- The forest resource section, which discusses forest structure, composition and important interpretations of forest habitat. A
- Appendix E; Wildlife Resources, which details ten habitat types and habitat features in the Rye Town Forest and wildlife that may use them, and endangered species relative to the Town Forest and wildlife recommendations for the various habitat types.
- N.H. Natural Heritage Bureau gives information about species of concern and exemplary natural communities in the Town Forest.

As summarized above, much of this Forest Management Plan addresses wildlife habitat and management on the Town Forest. Wildlife conservation and habitat protection are clearly implied. To be clear, I was the author of the 2003 Forest Management Plan. Matt Ross a wildlife biologist was my employee and worked under my direction. He assisted in gathering information, but I authored the plan.

**Member Shepcaro read the questions that were received through chat box via Zoom during the public hearing on May 14<sup>th</sup>:**

- 1) The first question was in regards to fences and leash zones.  
This was adequately addressed in the first set of questions. (please see above)**
- 2) What does it mean to blaze boundaries?**

Mr. Moreno explained that this means to delineate the property lines of the Town Forest. A more enduring way to do it is to actually take an axe and chink the bark of the trees along the property line and paint them with surveying grade paint, which is a brush on paint. The paint should last ten years and the blazes will last a long, long time. It keeps that easy to see for a long time.

### 3) Could you address if walking on roots is an issue?

In regards to the roots of trees along the trails, Mr. Moreno replied the issue is more soil compaction. With thousands of walkers on the trails in the course of a year, there is some soil compaction. Tree roots extend far, far beyond the crown diameter of the tree. There is a network of roots underground, so the trees are able to gather water and nutrients easily beyond. If a tree is weak, right alongside the trail, it may suffer from that. However, by and large, the trees are pretty adapted at this point to the trails.

**Member Shepcaro read the questions sent in from residents:**

**From Cathy Hodson, 616 Central Road:**

- **Are you confident that the newly accepted management plan for the Rye Town Forest properly addresses the use of that parcel by both the people of Rye and wildlife? Could you please explain this balance between enjoyment by the town's people and the needs of wildlife?**

Mr. Moreno noted that he tried to touch on this subject in his written response to the previous set of questions from Shawn Joyce. He continued that any human presence in the Forest and amongst wildlife has some impact somehow. The Town Forest is an established community property and community resource with longstanding trails. The choices are to either end the use or lessen the use of the trails, but this would impact many people and many users. The Forest Management Plan really tries to address ways to mitigate the impact of the trails themselves by a number of improvements. In some cases, rerouting the trails or retiring the trails. In many cases, working with water crossing structures to lessen the impact on wetlands. It is a balancing act. The plan really expounds on this a lot. It is ultimately the choice of the community. He thinks there is a general consensus of not expanding the trail system, which would probably not be a wise idea.

**From Maggie Hanna, 490 Washington Road:**

- **Please discuss managed cutting and how it would benefit the Town Forest. Also, what should residents expect during a managed cutting project? What action could be taken to deter or prevent invasive species from moving in to harvested areas?**

Mr. Moreno explained the management of the Forest involves many things. It is really about forest health, improving structure, maintaining the diversity of species in the forest, and in so doing, helping habitat. He read from the plan: "*Silviculture (management of the forest) would be driven by the objective of maintaining a healthy, neutral forest for the long run and maintain wildlife habitat, but is not the motive of extracting timber for profiteering.*" He continued this is not about going into a forest and removing timber trees to somehow increase the balance sheet. It is really about doing things to maintain the forest health. For example, there is a burgeoning issue with invasive plants and that is not a good thing, for a lot of reasons. This will only increase unless something is done. The management of the forest includes that kind of work. In some cases, it involves the removal of trees. This is done to make an opening to the forestry canopy to allow new trees to naturally regenerate. It allows the forest to self-plant and a diverse set of species to come up through. He noted that the management of the forest is not a one-shot deal. It is something that is ongoing and carried through for decades and centuries.

Regarding invasive plants, Mr. Moreno stated this is a serious issue. How can this be prevented from expanding in the forest, particularly when regeneration openings are being created for new growth? Certainly, the invasive plants will want to move into those pockets. He explained that he structured the schedule of work so a lot of invasive work will be done ahead of time. The first several years would be treatments beginning with the areas that are less invaded. There is a detailed map in the management plan that maps out the areas that are lightly invaded, moderately invaded and severely invaded. The areas that

are lightly invaded would be treated first with work continuing towards the islands of severely invaded areas. A lot of headway would be gained by doing that. After which time, work would begin on the actual management of the forest. He reiterated this is an ongoing project for the Town forever. The idea is to greatly lessen projects over time.

Chair McFarland opened to other questions from the group present.

**Member Reed noted that a question was received through the chat box from Julie Struble:**

- **There are many smaller trails, particularly along the marsh trails, that are recently blocked off with piles of brush or branches, as well as pink flagging. Is this related to forest management at this time? It is on forested property not private.**

Mr. Moreno replied he is not aware of which trails have been blocked off. There is a trail west of the parking area that is very impactful through the wetlands. That was the major trail that was suggested for retirement and was blocked off. There is another trail that goes up through the east side of the property. The Conservation Commission felt strongly about retiring a section through there. It is possible that some of the branches that are seen are involved with that trail.

Member Garvan stated that it seems in the last couple of months or so, people have created their own trails that go in the interior of the Green Trail. The Green Trail encompasses about 62-acres of undisturbed forest. For wildlife and silvicultural reasons, the Commission would like to keep those open and untraveled. He noted that he and Susan Shepcaro tried to close those off and put branches there. The goal is to keep that 62-acre piece untraveled for wildlife and forest management.

**Dave Tilton, 390 Washington Road:**

- **Who requested a fence that basically goes around my property and for what reason?**

Mr. Moreno replied that in working with the Conservation Commission there was a concern that dogs were disruptive to adjacent landowners. To stop that exchange, so dogs wouldn't be going on to private properties, that was an alternative.

Chair McFarland ended the Forest Management question period and thanked Mr. Moreno for his time. She opened the regularly scheduled meeting at 7:00 p.m.

## **II. APPROVAL OF MINUTES**

- **May 12 – NRI Workshop**

**Motion by Suzanne McFarland to accept the minutes of the NRI Workshop of May 12, 2020, as written. Seconded by Danna Truslow.**

**Roll Call: Danna Truslow – Aye; Karen Oliver – Aye; Heather Reed – Aye; Sally King – Aye; Suzanne McFarland – Aye**

**Motion passed.**

- **May 13 – Regular Meeting**

The following corrections were noted:

- Page 7, under b, last sentence should read: **He commented this seems like a common courtesy and could be done as a Town Forest Policy**
- Page 7, 2<sup>nd</sup> to last paragraph, last sentence should read: **It is a courtesy that should have been extended but this will now make it a clear policy.**

**Motion by Suzanne McFarland to approve the minutes of May 13, 2020 as amended. Seconded by Mike Garvan.**

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

- **May 14 – Town Forest Presentation**

The following correction was noted:

- Page 5: Charlie Marino should be Charlie Moreno

**Motion by Suzanne McFarland to approve the minutes of the Town Forest Presentation of May 14, 2020 as amended. Seconded by Susan Shepcaro.**

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

- **May 14 – Regular Meeting**

The following corrections were noted:

- Last page, under Bills, **Environmental Land and Law should be \$2937.50**  
**Eversource Goss Farm bill should be \$19.73**
- Page 4, bottom paragraph, 2<sup>nd</sup> sentence should read: **The parcel is about .46-acres and is the former Montessori School that was built in the late 90's.**
- Page 5, 0 Spring Road, it should be noted: **This is for new construction on an empty lot that also has an old well house on the property.**
- Page 7, paragraph 5, 2<sup>nd</sup> line should read: **Member Shepcaro stated that Tracy Degnan has given wording that she thinks is appropriate for a management plan and would cover all the bases.**

**Motion by Suzanne McFarland to approve the minutes of May 14, 2020 as amended. Seconded by Susan Shepcaro.**

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

- **May 19 – Site Walk – 80 Sagamore Road**

**Motion by Danna Truslow to accept the site walk minutes for 80 Sagamore Road of May 19, 2020, as written. Seconded by Jaci Grote.**

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

- **May 21 – Site Walk – 0 Spring Road**

**Motion by Suzanne McFarland to accept the site walk minutes for 0 Spring Road of May 21, 2020, as written. Seconded by Jeff Gardner.**

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

- **May 28 – Site Walk – 44 Pioneer Road**

**Motion by Suzanne McFarland to accept the site walk minutes for 44 Pioneer Road of May 28, 2020 as written. Seconded by Susan Shepcaro.**

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

### **III. WETLANDS APPLICATIONS:**

- 1) **112 Perkins Road**, Tax Map 052, Lot 177  
Owners: Kevin and Melissa Janvrin  
Retaining wall

**Kevin Janvrin, applicant**, spoke to the Commission about his proposal for a retaining wall on the west side of the property at 112 Perkins Road. He noted that last year they received permission to remove an old house that was on the property and replace it with a new home. A variance was received for a 15ft setback off the wetlands. The new house is currently 17.6ft away from the wetlands. During construction, some old stumps were found on the west side and those were removed. This left the property a little unstable and lower in elevation on that side. With the current condition, it allows everything to run directly into the wetlands. There is also a concern that the property is going to continue to erode. He noted that it is rather steep in this area going into the wetlands. The materials that will be used is a system called Stone Terra Wall System. The intent is to bring the property up a bit to level it off. It is approximately 7ft or 8ft from the house to the wall. Also, 18” of crushed stone is needed for the stormwater mitigation plan. Mr. Janvrin pointed out that the wall will not be getting any closer to the wetland than the previous manicured lawn. There is still a buffer zone of trees and bushes between the silt sock and the wetlands. The intent is to plant some blueberry bushes at the base of the retaining wall. They would also like to plant a couple of flowering trees between the wall and the house.

The Commission reviewed the plan that was presented on the screen.

- **Site walk scheduled for Wednesday, June 17<sup>th</sup>, 1:30 p.m.**

#### **IV. BURKE POND DAM DISCUSSION**

**Dania Seigle, 633 Central Road, and Joan Zofnass, 693 Central Road,** met with the Commission to discuss concerns about Burke Pond.

Ms. Seigle stated that she believes the remediation of the Burke Pond Dam and the subsequent drawdowns have actually had a negative impact on the properties that are contiguous to the area; including, all those on Burke Pond and the wetlands which has been donated to conservancy. She noted that she and her husband have lived at their property for three years. Over the past year, she has noticed a dramatic change; specifically, the loss of sound coming from frogs, at a time when they would normally be heard, no spotted salamanders, and no beavers. The trees behind her property also seem to be drier. She noted that she has spoken with Eben Lewis at NH DES, Sabrina Stanwood from the Natural Heritage Bureau, and Amy Lamb, an environmental reviewer with NHB, to collect information to share with the Conservation Commission to try to understand if there is a correlation between what Abenaki Country Club has done with the dam and the impact of the contiguous land, specifically the wetlands. She read through some of the conditions of the permit by which Abenaki has to abide by. She noted that one of the conditions requires Abenaki to obtain prior approval from DES for each drawdown of Burke Pond. As per Eben Lewis, he does not believe he has received that information. Another concern is that the club initiated the drawdown outside of the determined drawdown period. Mr. Lewis agreed this would actually invalidate the permit because it is very specific in what it covers, and what it is trying to protect. The permit does not cover the land that could be implicated by association. If this is true, it would be fair to say that a new permit should be required and this would be a decision for DES to ultimately make. However, the Conservation Commission is the steward of all that is conservancy and conservation in Rye and she wanted to make the commission aware of her concerns.

Ms. Zofnass stated that last year, she and Ms. Seigle spoke about a request to have some kind of a coffer dam to prevent the spill well from opening up and draining the pond. She heard about a month ago that due to Covid-19, Abenaki lost a lot of money because they had to close down the facilities. The work that was going to be done in late August to replace the dam has been postponed. As a result, they have lowered the spill well so the water is now drained to the point of being a beach, rather than water. The question is whether the club has permission to lower the water level so low that it is tremendously impacting wildlife. She noted that the club is not planning to do any work until September 2021.

Ms. Seigle pointed out this is another concern that Eben Lewis had. If there is a one-year delay for the project, that is external to the current permit conditions and would in effect invalidate the permit. She also pointed out that the drawdown period in the permit was between July and September of this year, which means they have started the drawdown way in advanced. She commented that everyone recognizes that the dam is in need of repair. However, it is a balancing act between the repair being done while adhering to the permit and protecting the wildlife.

Ms. Zofnass noted that the beavers are gone because they need 3ft of water and that is not there. There are more mosquitos at this point because the water is lower. The number of wading birds is down, along with the number of turtles.

Speaking to Ms. Seigle, Chair McFarland asked if she has a meeting scheduled with Eben Lewis on site.



Ms. Seiglie replied she does not yet have that meeting yet. Mr. Lewis asked for feedback from this meeting. She suggested a site walk be held with the Commission and Eben Lewis, unless the Commission feels it is outside their realm of responsibility.

Member Truslow stated that it would be helpful to get a copy of the work plan that the engineers developed for the property to see what was actually permitted. If there was insufficient notification, this will certainly rise to the top. She would be happy to review the plans that have been submitted for the dam repair and the remediation for the habitat. She thinks a site walk with Eben Lewis is an important step to take.

Ms. Zofnass noted that it is not a repair of the dam. It is a full replacement. It was determined last year that the dam had to be replaced entirely. The spill well was to have a larger opening and would be lowered down so more water would seep out.

Member Garvan asked if Nature Conservancy has weighed-in.

Ms. Seiglie replied that she has left messages but has not yet heard back.

Chair McFarland suggested that a site walk be set up with Eben Lewis, as his involvement is key because the project was permitted by DES. Once a site walk is coordinated, the Commission will have as many members there as possible. She thanked Ms. Seiglie and Ms. Zofnass for sharing this information with the Commission.

## **V. SITE WALKS PENDING**

- **1311 – 1315 Ocean Blvd – planting**

Chair McFarland noted that she was contacted by the contractor with regards to the property at 1311/1315 Ocean Blvd. They have replanted what was approved on the building plan. The bed has been extended and there should not be any mowing behind the buffer. The property owner would like the Commission to come back for a follow up site walk.

- **200 Parsons Road**

Chair McFarland noted the Building Inspector is requesting that the Commission schedule two site walks at the property. The first would be for July 7<sup>th</sup> with a time to be determined. Everything is supposed to be done by July 15<sup>th</sup> and Patricia Weathersby from BOA would like to be included in that site walk.

- **1611 Ocean Blvd – plantings and removal of debris**

At the Commission's last monthly meeting, Matt Barton was informed that a site walk would be scheduled to be sure the plantings have been completed and the bricks and rocks are removed. This is to take place somewhere around June 20<sup>th</sup>.

The Commission agreed to hold a separate site walk for 200 Parsons Road.

- **Site walk scheduled for 200 Parsons Road for July 7<sup>th</sup> and July 15<sup>th</sup> with a time to be determined. To be held with chair of the BOA and the Building Inspector.**
- **Site walk scheduled for 1311/1315 Ocean Blvd and 1611 Ocean Blvd for June 23<sup>rd</sup> with a time to be determined.** (Chair McFarland recused herself from the site walk at 1611 Ocean Blvd.)

## **VI. OTHER BUSINESS**

### **1) Property updates**

- 21/23 Parsons Road: The Building Inspector has been to the site. There was cutting in the wetlands buffer, which is also next to 27 and 29 Parsons. The Commission will probably get a request from the Building Inspector to go out to the site.
- 180 Parsons Road: There was some fill, gravel and loam put in right up against the marsh. The Building Inspector has been out to the site and the Commission will be contacted in regards to this issue.
- 250 Locke: A letter has been sent to the owners. It seems that a lawn is being installed. The Commission has made a request to visit the site at the end of August.

### **2) Town Forest Mgt Plan typos and language clarification, seasonal leash proposal**

Member Garvan stated that he has had conversations with Selectman Roman, Shawn Joyce, Dave Tilton and Lynn Silva. In the interest of wildlife protection, it might be reasonable to have the Green Trail be leashes required, at some point, to protect the nesting and breeding, particularly inside that 62-acres of untraveled land. He reached out to the local Fish and Game Officer and asked him what he thought the appropriate time might be to accomplish this. The officer wrote back and said that March 15<sup>th</sup> to July 15<sup>th</sup> should not only cover birds and mammals during their nesting and breeding season, but would also be favorable to deer who might be at their weakest if it was a tough winter and may be more susceptible to dogs. He thinks this is reasonable to require on a trial basis to require leashes on the Green Trail, for wildlife protection, from March 15<sup>th</sup> to July 15<sup>th</sup>.

Vice-Chair King asked if this proposal will start next year.

Member Garvan replied yes, but that would be open for discussion.

Vice-Chair King stated there was some interesting input from the easement holder of a large portion of the Green Trail, who is not in favor of seasonal leashing. She explained there are a couple of easements in the Town Forest. Most of the property is owned by the Town, but there are some easement holders also; one is Connell and the other is Mark Josephs.

Chair McFarland asked if the easement holders have the say because they own the land.

Vice-Chair King replied it depends on how the easement is written. In the Connell's case, yes.

Member Garvan stated the easement holder has the right to regulate or make rules about those trails. In this case, perhaps the Commission could speak with him. It is only a few months out of the year and has a valid purpose. It is not exclusionary in any way. He would hope that if the Commission is in favor of a leash law to protect animals during that period of time, that as a group they could have a conversation with the easement holder and he may agree with the management proposal.

Vice-Chair King noted that the easement holder did not like how the conversation was being driven by a couple of people versus the whole of the Town. She feels awkward "representing him" because he is not on the meeting. However, she feels she should at least speak to the conversation he had with her. She was also very involved in putting the easement together with his father, Kevin Connell, who was very much interested in the use of the Town Forest respectfully but never was interested in requiring rules pre say.

Member Grote asked if this is in addition to the current leash law where dogs have to be leashed to a certain point.

Member Shepcaro confirmed.

Vice-Chair King asked what portion of the trail would be covered under the leash zone for this period of time.

Member Garvan replied it is hard to explain without a map to show people.

Member Grote asked how it is known that this portion of the Green Trail is the area that needs to be protected.

Member Garvan explained that the Green Trail circumscribes the 62-acres of untouched forest. All of the Green Trail impacts the interior.

Member Grote asked if they are saying leashes will be required from March 15<sup>th</sup> to July 15<sup>th</sup>, around that loop, to keep dogs from going into the middle.

Member Garvan confirmed.

Member Truslow commented she thinks that is wise.

Member Grote agreed.

Chair McFarland asked if there is still a rule in place about dogs being under control and if there is an animal control officer in town who is supposed to be monitoring this.

Member Garvan stated that it is a town-wide ordinance about the dogs being under control, which applies to the Town Forest as well. In discussions with Selectman Roman, she has assured that the selectmen, police department and animal control officer will support and make resources available for enforcement, if this is put into place.

Member Shepcaro pointed out that if this goes in place it will make more than half the Town Forest leashed. She has a real concern about that. If the Green Trail is being leashed, people should be able to walk their dogs unleashed from the kiosk, off Washington Road, through the whole western part of the Town Forest. She thinks the Commission needs to consider that because it is not fair to have more than half leashed.

Member Garvan asked if she is talking just during that period of time.

Member Shepcaro stated that she thinks that one should be undone completely because Mr. Tilton just sent an email recently saying that part was not the problem. The problem was along the direct woods road.

Member Grote agreed with Member Shepcaro.

Member Shepcaro asked if this is something that could be discussed at a future meeting, since it will not be in place until next year. She thinks that more discussion would be helpful.

Member Grote commented that she agrees. She is not ready to make a decision at this meeting.

Vice-Chair King stated she does not think the Commission is in a position to make a decision, since the Commission does not control a large portion of it.

Member Garvan pointed out the Commission can make a decision and then speak with any dissenting entities. He thinks they should have a position as a Commission. He wouldn't mind having a consensus at this meeting, even if there is not a formal vote to put it in place.

Member Shepcaro commented that she feels that outside pressure is shrinking the usability of the Town Forest for a lot of people. She is not necessarily against the leash zone; however, it has to be balanced better than it would be if things were left as they are. This is the reason she thinks more discussion and thinking about it would be good.

Vice-Chair King stated she agrees with Member Shepcaro. She would like to hear what the public has to say. She supports getting more information.

Chair McFarland stated Rye is becoming denser and there is going to be more people. There has to be some kind of balance.

Member Gardner noted that he likes Member Shepcaro's idea of having the one loop where dogs can walk without leashes. The more environmentally sensitive area on the Green Trail could be the leashed area, either during nesting season or all the time.

Member Shepcaro commented the nesting season is plenty for that because there is a big area for leashes fulltime. She personally feels if the leashes could be freed up on the Washington Road side, with leashes during the nesting months being required on the whole Green Trail, it might be a workable compromise. She stated they have a legacy here and the Commission needs to be stewards of the land and wildlife.

Chair McFarland opened to the public for comments.

**Shawn Joyce, 270 Washington Road**, stated that there was no real assessment by a wildlife biologist in the Forest Management Plan. He requests that a charge be written to have a wildlife biologist review everything in the Town Forest with regards to wildlife and the action plan assessment. If there is a funding issue, he would be glad to pay for it. He thinks the conclusion will be that the easement very clearly addresses the protection of wildlife, conservation and habitat protection. The Town of Rye has doubled in population. Where do the animals go? They need a place like the forest to breed and nest. He is a direct abutter to the trails, which are 100-yds off his property. He has seen the deer being run through his property and the turkeys disappearing off the property. The Forest has been inundated with people from outside the community who are bringing their dogs to walk. He noted that he has a picture of one person who was walking ten dogs at the same time. It is ridiculous to think they are not impacting wildlife.

Member Shepcaro stated that RCC does a very good job at managing the property. The easement holder, RCCD, agrees with the Commission and the county forester also agrees, that the Commission has good practices and the property is well managed. It certainly is an issue about people use versus wildlife use, but the intent of the originators has to be considered. She supported the leash zones very strongly and thinks they are working. Clearly, there needs to be more enforcement at times, but leashing up more than half the property at any time is unacceptable.

Selectperson Keriann Roman stated that the full select board is supportive and will commit whatever resources are necessary. Obviously, this will require some more signage and more enforcement. If this is something the Conservation Commission is going to do, they have the select board's full support. She

noted that Mr. Connell reached out to her through email expressing his concerns about restricting any kind of use on the Green Trail through his property. She has written back to Mr. Connell explaining that this was a wildlife issue. She pulled the easement and in five places, it talks about wildlife conservation. The easement on that land is specifically for; *“conservation of open space, particularly the conservation of farms, forest land and any wildlife habitat, and the scenic enjoyment of the general public.”* The easement also talks about conserving land, water, agricultural and wildlife resources. It also talks about not allowing any activities which are detrimental to the scenic and wildlife habitat protection, which are the purposes of this easement. She hopes this is something the Conservation Commission would get behind because it is a really good compromise between folks who have dogs and folks who want more wildlife protection. She continued that the Rockingham County Conservation District Easement also mentions wildlife conservation in about six places. The purpose is for *“open space, preservation and the conservation of wildlife species, including rare, threatened or endangered species, and protecting plant and animal species and natural communities.”* Right from the easements that apply to this property, it is clear this would be a very good move just for the five months of the year. This is not restricting anyone with a dog from walking on the Green Trail, just for these five months the focus is on wildlife preservation so the dogs have to be leashed. In regards to taking off leash zones in other areas, she would ask this be done one at a time because this is about wildlife protection. She asks that the Commission have a conversation about weighing leashed, versus unleashed dogs, versus families. She noted that Rye is struggling to encourage families to come into this community. She gets calls and emails from folks who are not able to use the trails because of dogs off leash. The Commission should consider how taking dogs off leash in a certain area might impact families’ use of trails in that area. She reiterated she thinks this proposal is a good idea and a good compromise. She hopes the Commission will consider it seriously.

Chair McFarland noted that there are more conservation pieces in town. For the last two to three years, the Commission has made a concerted effort to make the public aware of other trails. The Commission has also been made aware that there are other parcels in town that are less well travelled and more suited for the wildlife. While this group is concerned about the Town Forest, as a Commission they are looking at all the pieces of conservation land and the overlap into surrounding communities.

Selectperson Roman stated the amount of land that has been conserved in this town is phenomenal and is so impressive. The Conservation Commission actively seeks out property that would be beneficial, which not all towns do. Rye is one of the best at conserving land. Land that is valuable to resources and open space. For this specific property, given that the two easements call out wildlife and since it is the largest open area of trail, it seems to make sense. This is a period of time that NH Fish and Game has recognized as being beneficial to wildlife.

In regards to Member Shepcaro’s concern about 55% of the Forest being leashed for four months, Member Garvan stated that this will mean that for eight months the no leash area is the majority. He does not think this is a balance. He would also add that the Town Forest is in the center of town and has the most access of all the properties. It is going to see the heaviest human use. He does not think the four-month leash area, even if it were the majority, would be too much.

Selectperson Roman noted that she has received an email from **Suellen Lebosque, 350 Washington Road**, who is one of the abutters. Ms. Lebosque would like to protect wildlife on the Green Trail of the Rye Town Forest. There was another email from **Justin Perry, 10 Wildwood Lane**, expressing his concern of taking his two young children on off leash sections with dogs who do not appear to be under control. She also noted the email from Mr. Connell expressing his concern about his portion of land.

Karen Stewart stated she fully agrees with Shawn Joyce that wildlife habitat has shrunk, which is extremely unfortunate. She does not think it is dogs to blame. The Town should look at the rate of

development in the town. She would also like to commend the Conservation Commission and voters that have given the community the opportunity to protect, conserve and steward the land that everyone has access to. When Keriann Roman was talking about the easements, she made some really good points. Wildlife protection is a critical component of conservation lands. Ms. Stewart stated she is on the trails everyday and does not see dogs running wild. This is not something she experiences. She commented it would be terrific to see the Town's police officers on bikes or on foot in the Town Forest. She thinks that would be a welcome presence. She thinks the Town Forest is a great benefit and encourages more conversation on this topic.

**Julie Struble, 10 Walker Lane**, stated that she supports wildlife and thinks the Forest is an incredible resource. She also agrees with Member Shepcaro about the balance. She walks the Forest everyday and rarely sees a situation that is out of control. The Town has done a very good job at educating people.

**Lynn Silva** respectfully requested that the Commission do what is right. They've been told by experts that the best thing to do for the wildlife in the Forest is to protect them during a four-month period. The only problem that Mr. Tilton has expressed is dogs, not people. People are going to be there and deserve to have enjoyment of the Forest. The dogs do not really care if they are on the leash or not. It's the people who care. A few months of the year is not a detriment to the dog owners. She thinks everyone is underestimating how people will respond to this. She thinks they will understand there is a need to protect the wildlife. There has been plenty of conversation. There have been many years of conversation and there is no need for more discussion. The commission should make the decision tonight. If things do not work as expected, it can be addressed again.

**Dave Tilton, 390 Washington Road**, stated that people who walk the property without their dogs have never been denied, at any time, walking around the edge of his property. This past year, there was an incredible number of cranberries in the wild bog that exists on his property. He let people know that they were more than welcome to come onto his property to take some cranberries. A number of people took advantage of that. He commented that his land has been open. He noted that people do not bother wildlife. The dogs do. He noted that what happens to the 56-acres of property that he owns will be determined as to how the RCCD reacts to the problem that he has.

**Cathy Hodson** stated that having a dog on a leash does not provide the dog with adequate exercise. Also, it would be likely that she would trip having her dog on a leash and that would be dangerous for a person her age.

Selectperson Roman stated that in her experience and from things that she has seen, Mr. Tilton is a very good steward of that land and in working with people. If they accidentally go on his land, it is not a big deal to him. To have four months of protection on one of the largest trails, seems like a really good compromise. This issue has come before the select board multiple, multiple times. She asks the Commission to please consider this and act sooner rather than later so there is resolution. She reiterated it is a good compromise.

Member Shepcaro stated that currently the Commission has leashed almost every spot that touches Dave Tilton's property. There is a leash zone around it currently. There is a huge amount from Washington Road to the middle inner section and that is for the purpose of protecting his back yard. There is also the whole part along the woods road around the inner circle. She noted that he is not unprotected. He will not be more protected by having the whole Green Trail leashed. The issue on the Green Trail is wildlife protection. It is not to protect Mr. Tilton because that is already being protected.

**Motion by Mike Garvan that the Rye Conservation Commission establish that leashes be required on the Green Trail from March 15<sup>th</sup> to July 15, 2021 to protect wildlife in the interior of the trail. Seconded by Heather Reed.**

Chair King stated there has been a lot of discussion about this. She still thinks this is being driven by a couple of people. She is very concerned about wildlife in general in the Town. Development pressure has changed where wildlife goes. The Town Forest is centrally located and has more access than any other property. Everyone is harping on wildlife, which is very valid, but it is also for recreation. It was created for the enjoyment of the people in the Town by Parsons Park Committee, which was their charge. Because the Commission has been so successful in conserving land, with the support of the Town, there are lots of places for wildlife to be. On this particular property, the balance that has been achieved is working. She does not like this conversation driven by threats of lawsuits and pressure by a couple of individuals. It makes her feel like they are not paying enough attention to everybody in town and listening to a couple of people. She is not in favor of limiting this in this way without more evaluation of whether or not this property would benefit from the seasonal leashing on the Green Trail.

Member Gardner stated he would support this if the small leash zone could be removed, as discussed earlier. This would give dog walkers the option to walk in the Town Forest without leashing their dog if they stay away from that sensitive area.

Member Shepcaro pointed out that the leash zone is by ordinance. The BOS would have to agree to change the ordinance. She agrees that it would be better to have a full loop.

Member Reed stated that it sounds like the Commission is looking for a compromise and this would be a trial. She is in support of Member Garvan's motion.

Vice-Chair King commented that the Commission would need to get Keper Connell to agree to this. This motion can be put forward, but the Commission does not have the authority to do this without his input.

Member Garvan stated that if there is a positive vote from the Commission then there is something to take to Mr. Connell to discuss.

Member Shepcaro asked how there could be protection from having this go from being temporary to forever.

Member Garvan explained this is a policy. The Commission can make policy, change policy and add leash zones. The Commission manages the Town Forest, as long as it is done within the confines of the easement.

Speaking to Member Garvan, Member Shepcaro asked if he would be amendable to waiting until after the representative from NH Audubon comes and goes through the Forest again.

Member Garvan replied no. All the studies say that wildlife is impacted by humans and dogs, so that is all the representative is going to say.

Member Oliver asked if this is going to be done on all conservation land.

Member Garvan replied no. This is being done because this is the most heavily used piece of property the Commission has. It is a 62-acre piece that is untraveled, so it is particularly important here.

Member Grote stated the motion is unspecified. What is going to say it works or doesn't work? This is going to be a trial for four months. What is going to be measured in those four months and how will it be known if it is successful? She would rather have something a little more specific.

Member Garvan stated that every wildlife biologist and Audubon person says this will make a positive difference.

Vice-Chair King stated it is arbitrary. It is four months, with what measures that it is successful or unsuccessful? Why this property and not others? There are other properties that are much wilder that would benefit by something similar.

Member Garvan pointed out those properties do not have the pressure. This is the most used property in town.

Vice-Chair King commented that because it is the most used property, it would probably be least likely to benefit from something like this.

Member Shepcaro asked if something could be added to the motion that states "at the pleasure of the Conservation Commission". It would be stating that if this is done, it is because the Commission is choosing to and it can be taken away. She commented that her biggest concern is if a trial is done and it is decided to not be continued, the Commission might be stuck somehow by some loophole. In principal, she supports the idea of being more aware of wildlife issues.

Member Garvan amended his motion.

**Motion by Mike Garvan that the Rye Conservation Commission establish, on a trial basis, that leashes be required on the Green Trail in the Town Forest from March 15 to July 15, 2021 to protect wildlife in the interior of the trail. Seconded by Heather Reed.**

**Roll Call Vote: Mike Garvan – Yes; Susan Shepcaro – Yes; Jeff Gardner – Yes; Jaci Grote – No; Heather Reed – Yes; Sally King – No; Suzanne McFarland – Yes  
Motion passed.**

**Note:** Susan Shepcaro reluctantly voted "yes". Jaci Grote voted "no" because she is concerned about metrics. Suzanne McFarland voted "yes" with a caveat of measuring and a metric.

Member Grote stated she would like the Commission to consider other properties because this is an issue on all properties.

### **3) Forest Green drainage**

Member Truslow noted that she sent an email to Dennis McCarthy, Public Works Director, asking for some background but he has not yet responded.

### **4) Dedication Jim Raynes Forest discussion**

Member Grote noted that she has received the bronze plaque. A rock has been chosen for the plaque. Vice-Chair King is going to discuss the location with Dennis McCarthy.



Vice-Chair King stated she has spoken with Dennis McCarthy. He has been very busy with the opening of the beaches and said he will do it shortly. She is going to meet Mr. McCarthy at the property and show him the location. She pointed out that the Commission needs to be aware that there is also an abutter issue with regard to a timber trespass. She has received the preliminary survey. She asked if anyone would be willing to go out to the property and help her mark the trail. Member Shepcaro and Member Garvan agreed to help.

The Commission discussed the idea of holding a dedication ceremony for Jim Raynes at the property. Vice-Chair King agreed to speak with the Raynes to see what they would be comfortable with.

#### **5) Cedar Run trail update – drainage**

Vice-Chair King stated that she and Member Grote were at the land to look at possible locations for the granite markers and chains, in order to make it obvious to people where the conservation area is located. In doing that, they noticed that drainage from the development in front of the land (stormwater retention pond), is actually on conservation property. The drainage from the pipe goes directly onto the access trail in. Jay Lord, who is an engineer and is a member of the planning board, looked at it and had some suggestions on how to get the water off the trail. The water, as it is, is actually being driven to the wetland crossing. For a lot of reasons, the water needs to be redirected. She will contact Jay Lord to find out exactly what needs to be done. She noted that work will be done on that trail anyways because of the vehicle being on it. She would like to combine this work.

- **Town Forest Mgt Plan typos and language clarification**

Member Shepcaro stated there is a problem with page 30 of the Forest Management Plan. Page 30 has things about fencing that are too specific. Tracy Degan agrees. Member Shepcaro noted that she sent the Commission an amendment, which has been vetted by Tracy. This is an internal issue for the Commission. She noted that Charles Moreno is also in agreement with this. She read the proposed amendments to the Forest Management Plan. She is asking for the support of the RCC to make these changes. There are also several typos and the work plan will also be updated.

**Motion by Mike Garvan to accept the proposed clarifications to the Forest Management Plan, as read by Susan Shepcaro and distributed to the members of the Rye Conservation Commission. Seconded by Jaci Grote.**

**Roll Call Vote: Suzanne McFarland – Yes; Mike Garvan – Yes; Heather Reed – Yes; Jaci Grote – Yes; Susan Shepcaro – Yes; Jeff Gardner – Yes; Sally King – Yes**

**Motion passed.**

- **Tree proposal**

Member Shepcaro spoke to the Commission in regards to the tree proposal to remove some hazardous and unhealthy trees from the Town Forest. The proposal from Seacoast Trees was emailed to the Commission for their review before the meeting. The total price for the work is \$2,990.00.

Vice-Chair King pointed out that because the work is over \$2,500 a second quote is needed.

After some discussion, the Commission agreed to remove the small trees from the proposal to bring the price of the work down to under \$2,500.00.

**Motion by Susan Shepcaro to spend up to \$2,499.00 on tree removal and work on the rest of the trees separately. Seconded by Suzanne McFarland.**

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

## **VII. CORRESPONDENCE**

- SELT – White monitoring  
Notice received that the Commission is responsible for the White Easement. A report is due by January 31, 2021.
- 2020.05.25 – 824 Ocean Blvd, Tax Map 23.1, Lot 29-1, Sheehan  
NHDES permit #2020-00753.pdf
- 1459 Ocean Blvd, Tax Map 17, Lot 80, NH DES Shoreland Impact Permit #2020-01002
- Final Standard Dredge and Fill Wetlands application for 67 Harbor Road received.
- Letter received from Steven Borne suggesting that the Commission consider purchasing 1761 Ocean Blvd.
- Chair McFarland noted that she was contacted by the State and was told that there has been dumping on conservation land and other land between ‘Kooks’ to the Wallis Sands State Beach. She has written to the property owners of 1180 to 1112 Ocean Boulevard. The property owners have responded saying they will keep an eye on this and appreciated the letter.

## **VIII. BILLS**

- \$26.50 postage – Suzanne – certified and post mail 40 Signature, stamps for Ocean Blvd. mailing #1180-1112, packet of applications back to Underwood, Star Island septic
- \$3,749.50 - James Verra surveying – Jim Raynes Forest
- \$1,507.50 - James Verra surveying – Jim Raynes Forest
- \$400.81 – Sally King – Goss Farm
- \$593.25 – Alan Bucklin – Goss Farm

**Motion by Suzanne McFarland to allow payment for the bills listed above. Seconded by Susan Shepcaro.**

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

- Susan Shepcaro – \$31.27 conservation mix and \$132.09 dog poop bags

**Motion by Susan Shepcaro to authorize the reimbursement of \$31.27 for the conservation mix and \$132.09 for the dog poop bags. Seconded by Suzanne McFarland.**

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

**Motion passed.**

- \$987.50 – Tighe and Bond – Leonard Lord

**Motion by Suzanne McFarland to pay Tighe and Bond in the amount of \$987.50. Seconded by Susan Shepcaro.**

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

**Motion passed.**

- BCM – Environmental Land & Law – Inv. #2943 - \$900.00  
Inv. #2914 - \$292.50  
Inv. #2915 - \$495.00

**Motion by Jaci Grote to pay Invoices 2943; 2914 and 2915. Seconded by Mike Garvan.**

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

- BCM – Inv. #2686 - \$477.50

Members of the Commission expressed their concerns with this bill being invoiced to the Conservation Commission, as it would bring the Commission's share of the expense to more than the agreed upon 50/50 split with the Selectmen.

Selectperson Keriann Roman, who was still on the meeting, confirmed that the agreement was for the Selectmen and Conservation to split the bills 50/50. She noted that she would speak with the Town Administrator to clear up this issue and that RCC should not be asked to pay more.

## **Adjournment**

**Motion by Mike Garvan to adjourn at 10:05 p.m. Seconded by Jeff Gardner.**

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

**Motion passed.**

Respectfully Submitted,  
Dyana F. Ledger

## 6-11 Zoom Chat Transcript

00:37:41 J Struble: There are many smaller trails, particularly along the marsh trails, that are recently blocked off with piles of brush or branches as well as pink flagging. Is this related to forest management at this time? It is on forest property, not private.

00:46:59 Shawn Joyce: Disappointing that I I was not allowed to follow up with Charlie with a few questions he did not answer that I had asked in previous hearing.

00:48:26 Jaci Grote: I abstain too - I was not there?

00:49:02 Shawn Joyce: What other towns has Charlie been asked by a conservation commission to make recommendations for any fencing to control unleashed dogs?

00:53:51 Shawn Joyce: Charlie has stated that he is not a wildlife biologist. Was Matt Tarr made aware of the issues that unleashed dogs have had on wildlife, private property abutter and other users of the forest and would recommend the use of 500 yds of fencing or leash zones to control unleashed dogs?

00:55:47 Shawn Joyce: N.H. Fish and Game Wild Life Biologist Brendan Clifford was quoted in the Portsmouth Herald about the number of dogs running at large in the Rye Town Forest: "Repeated behavior like that will flush the wildlife out of the area or deter wildlife in that area." "They're not a natural thing to be there, so an animal will react adversely," said Clifford, noting that in areas where there are dog parks, there typically isn't wildlife surrounding them. You're certainly not going to attract wildlife there. You're only going to lose it." As Clifford explains, when dogs chase after wildlife, they might be curious or think they're being playful, but that "adds stress to the animals there." Why wasn't NH Fish & Game ever consulted about best practices for wildlife, use of leash zones or fencing etc.?

00:58:31 Shawn Joyce: I am not sure if you were informed of the number of reported incidents of unleashed dogs in the forest running wildlife on private land, number of incidents of unleashed dogs jumping on other users and the number of incidents of dogs attacks and one 100lb dog being shot in self-defense. When NH Fish & Game came to investigate the number of unleashed dogs running wildlife, they recommend dogs be required on leash in the forest. Would you disagree with that?

01:47:05 iPad: here for town forest

01:47:05 Shawn Joyce: Number of people are waiting for leash zone discussion

01:47:10 Karen Stewart: TOWN FOREST My property abuts the town forest. Like others I briefly worried the lockdown order would create an unsustainable rise of use (and possibly misuse) of the forest. I can say with certainty (we walk daily) that these fears were unrealized. Few people use the trails, but those we encounter stay appropriately distanced. We do not have a dog. Half or fewer of those we encounter walk with dogs and many dogs are leashed. We have not witnessed or experienced any dogs "out of control." It is worth stating that town conservation property does not exist solely for protection of wildlife. That is one benefit of these spaces, and I'm pleased to say we have observed many species — deer, fisher, assorted birds — in recent months. BUT. There are many other and equally important benefits of these lands. My family recognizes that our proximity to this public land does not give us (or our preferred activities) priority above the interests and activities of others.

01:48:08 Karen Stewart: Please everyone treat this forum, and the forest and its stewards, with respect and the recognition that we all have the right and the privilege of access to these conserved properties.

01:48:08 J Struble: leash discussion

01:56:14 Karen Stewart: I am all for protecting wildlife and habitat. However, is it the opinion or observation of the conservation commission that additional leash laws are necessary? When I come across dogs they are right on the trail or just off by a few feet.

01:57:58 J Struble: This would be ultimately need to be on ballot? I would agree with Ms. Stewart. I'd also like to point out that I have seen just as many mountain bikes on my twice daily walks, including on the Green Trail. Will you begin limiting bikes?

01:59:27 Shawn Joyce: NH Fish & Game and wildlife biologists recommend that dogs be on leash to protect wildlife and habitat. Mind boggling that the RCC puts unleashed dogs over wildlife protection.

01:59:32 J Struble: The Green trail is also FAR less travelled.

02:00:48 Shawn Joyce: I think that folks should ask Mr. Tilton vs speak for him.

02:01:51 Karen Stewart: Unleashed dogs that comply with the town law (under command of owner) and wildlife protection are not mutually exclusive.

02:12:46 Keri Roman: This is Keri. I'm on the phone 6036600182 but need to be unmuted to speak. Thank you.

02:14:08 Keri Roman: thank you!

02:15:03 Karen Stewart: I am also muted but would be happy to speak

02:21:33 Shawn Joyce: We ask that the RCC provide copies of any emails/letters regarding the Town Forest in the meeting minutes so folks do not have to file a Right to Know to get them. Thank you.

02:43:25 Shawn Joyce: It would be unfortunate if the Town did not end up with the Tilton land. Best untouched 56 acres of habitat, forest and fields right in the middle of town. Had the RCC just shown him some respect for his concerns over the years, there probably would not have been any question that his land would have been added to the Town forest for all to enjoy. Hoping that he at least does something with SELT, USDA or Nature Conservatory and not sell to developer.

02:49:42 Keri Roman: We have to have a public hearing then a vote of the BOS.

02:51:05 klwolver: Danna can't second a motion unless she is seated.

02:53:42 Keri Roman: Correct Susan on the 4 month trial.

02:54:02 J Struble: May I ask what metric will determine what does not work?

02:54:43 Keri Roman: Public feedback Jaci.

02:56:00 Keri Roman: It is not, we worked with a NH fish and Game officer on this.

02:59:18 Karen Stewart: But ... how will you gauge success of the trial to determine future practice?

03:01:06 J Struble: Metrics for success or failure not identified.

03:38:45 klwolver: We don't want this on public screen

03:38:56 klwolver: It may include confidential information.

**Mike Garvan**

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**From:** Keri  
**Sent:** Thursday, June 11, 2020 12:21 PM  
**To:** Mike Garvan  
**Subject:** Fwd: Rye Town Woods 2020

Trying this again.

----- Forwarded message -----

**From:** Keper Connell <[keper@clanfish.com](mailto:keper@clanfish.com)>  
**Date:** Thu, Jun 11, 2020 at 8:02 AM  
**Subject:** Rye Town Woods 2020  
**To:** <[selectman@town.rye.us](mailto:selectman@town.rye.us)>, Keri (Rye Selectman) Roman <

My name is Keper Connell,  
Mostly known as Kevin's son, or member of the now "Out to Pasture" Rye Beach Committee.

I have lived in Rye for nearly 40 years, and in the same house in which I grew up, I now have the great privilege and joy of raising my twins in the same house, located at 240 Washington road.

I have seen many changes in Rye. Some good and some with little or any foresight. However, as I have followed the ongoing discussion around the Rye Town woods, and redefining the access, I feel the need to raise a few points.

As an Easement Grantor, My father, Kevin Connell granted the Rye Conservation Commission and Easement in 2012. This Easement was in many ways a keystone piece of land that completed the Rye Town woods and the Green trail as a contiguous track of beautiful land. In the Grantor's request, there are certain specific rights reserved within the Easement. One specifically is item 3, line item D which is quoted:

*"Grantor reserves the right to construct, manage, use and maintain trails and signs associated with such trails."*

I am very concerned that in the spirit of the Conservation of this land, we have lost our way. Certain taxpayers wish to alter or manipulate the land use to better suit their own aspirations and vision, some that don't actually abutt town woods at all.

The use of the green trail as it runs through your property shall be left status quo with no additional restrictions. I understand the current bone of contention is that people using the trail can have pets off leash. However, the Easement allows for the management of the trail system through my property gives me the right to revisit trail uses as the need arises.

I will gladly provide a copy of this Easement to anyone who wishes. My hope of this email is to highlight my father's wishes. He saw the town woods as a value to all our residents and tax payers and to not exclude anyone, nor to discourage individuals from the pleasure and enjoyment of our woods. This is what Rye is all about. Inclusion, not exclusion. Our woods are no different than our beaches either. We are stewards of both.

--

Keper Connell  
240 Washington Road.

**Mike Garvan**

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**From:** Keriann Roman <keri.ryenh@gmail.com>  
**Sent:** Thursday, June 11, 2020 9:40 AM  
**To:** Mike Garvan  
**Subject:** Fwd: RE Leash Law

Mike,

Forwarding you emails I've received.

Keri

Sent from my iPhone

Begin forwarded message:

**From:** Justin Perry <[justinperry@loandepot.com](mailto:justinperry@loandepot.com)>  
**Date:** June 10, 2020 at 8:49:46 PM EDT  
**To:** "[Keri.ryenh@gmail.com](mailto:Keri.ryenh@gmail.com)" <[Keri.ryenh@gmail.com](mailto:Keri.ryenh@gmail.com)>  
**Subject:** RE Leash Law

Hi Kerri,

I wanted to reach out about our concern regarding the current leash laws (or lack thereof). I've taken the kids a few times to the Rye Rec trails but haven't gone in awhile because of all the dogs running around and the kids get anxious when they run up them. Its not typically a concern as most are friendly but to the kids its frightening.

With little to do during the pandemic we gave it another go. Within the first 100' of the trail by the main entrance @ Rye Rec field a dog sprinted up to us. No owner in sight. And then I heard a couple yelling from afar "he's not good with children!" So I picked the kids up while the dog jumped at us. He didn't try to bite anyone but it was pretty unsettling.

I just feel like dogs own those trails and it seems like their owners feel the same way. We love dogs and that makes it even harder because the kids naturally want to try and pet them. But they should be on a leash. Especially when the owner knows they aren't good with kids and are concerned themselves about their dog around kids.

I'd love to have a designated time we could go there with the kids and know that if we see a dog it will be on a leash. Otherwise we just can't go there.

Plus isn't there an abutter trapping coyotes? I have no idea who someone would want their dog off a leash.

Best,

Justin Perry  
10 Wildwood Lane  
Rye, NH 03870

## Mike Garvan

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**From:** Keriann Roman <keri.ryenh@gmail.com>  
**Sent:** Thursday, June 11, 2020 9:41 AM  
**To:** Mike Garvan  
**Subject:** Fwd: Rye Town Forest

Another.

Keri

Sent from my iPhone

Begin forwarded message:

**From:** Ritchie White <r-dwhite@comcast.net>  
**Date:** June 10, 2020 at 11:36:40 AM EDT  
**To:** keri.ryenh@gmail.com  
**Cc:** Deb White <dwhite@helmsco.com>  
**Subject:** Rye Town Forest

Select Person Roman

I am writing to support the use of leash zones to control dogs at large in the Rye Town Forest. Using tax payers dollars to install fencing to control at large dogs in an area that has been designated important wildlife habitat defies common sense. Fences are detrimental and disruptive to the normal migration patterns of a number of species that could be found utilizing this habitat. As you know I am retired from a career of consulting in forestry as a licensed NH forester with experience in wildlife management. I was disappointed that I was not given the opportunity to comment on the updated forest management plan before it's adoption. I was assured by Mike Garvin that I would be given this opportunity. In fact I emailed a number of questions to him that never got answered. My wife a long time user of the town forest during the 80's and 90's stopped taking our dog there due to out of control dogs at large. She also favors leash zones instead of wasting money on fencing. Thanks for your efforts in trying to solve this issue.

Ritchie & Deb White  
30 Lang Rd



**Mike Garvan**

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**From:** Keriann Roman <keri.ryenh@gmail.com>  
**Sent:** Thursday, June 11, 2020 4:45 PM  
**To:** Mike Garvan  
**Subject:** Fwd: Protect Wildlife

Another email.

Keriann Roman  
Rye Board of Selectmen  
[keri.ryenh@gmail.com](mailto:keri.ryenh@gmail.com)

*Please be advised that my emails, and any emails to me, are subject to the Right to Know law, RSA 91-A, and may be made available to the public upon request or may be part of the public records at Rye Town Hall, subject to the parameters of RSA 91-A.*

----- Forwarded message -----

**From:** Sue LeBosquet <[suelebosquet@me.com](mailto:suelebosquet@me.com)>  
**Date:** Thu, Jun 11, 2020 at 3:10 PM  
**Subject:** Protect Wildlife  
**To:** <[keri.ryenh@gmail.com](mailto:keri.ryenh@gmail.com)>

Dear Keriann,

As a resident of 350 Washington Road whose land includes over 16 acres, most of which is woodland, I am grateful for your support protecting wildlife on the green trail of the Rye Town Forest. Thank you for your part in this important endeavor to treat our land and wildlife with respect.

Sincerely,  
Suellen

Suellen LeBosquet  
350 Washington Road  
Rye, NH 03870

Proposed Amendments to the Forest Management Plan Dated October 2019 and accepted by the Rockingham County Conservation District on January 22, 2020

Page 18, item 6 in the 2019-2020 Work Recommendations

Currently states: 6) Trails: Install temporary fencing, as needed

**CHANGE TO: DELETE #6**

Page 19 – first activity in the Project Summary/ Schedules

Currently states: Install temporary fencing, as needed

**CHANGE TO: DELETE**

Page 30 – remove last four (4) lines of paragraph 1. Add new paragraph. Remove first 2 bullet points

Currently states:

Finally, temporary fencing along the property line has been considered by the RCC, intending to block the unimpeded passage of dogs. The following recommendations are made regarding fencing:

- Consider installing temporary fencing in areas where existing trails approach property lines.
- 3-foot tall, continuous temporary fencing is likely to contain most loose dogs.
- Use dark mesh temporary fencing (steel or plastic) to allow it to blend into surroundings and not detract from forest aesthetics.
- Install temporary fencing along the Town Forest side of the property lines. Use substantial metal stakes to support the fence.
- If small mesh temporary fencing is used, cut a few low, rectangular holes (6" high) at 50-foot intervals to allow small wildlife passage. Larger wildlife will either go around the fence, or in the case of deer, at times jump over it.

**Replace with:**

Temporary fencing may be employed, on an interim basis, as needed for public safety, management deterrent or security. The following recommendations are made regarding fencing:

- Use 3-foot tall, dark mesh temporary fencing (steel or plastic) to allow it to blend into surroundings and not detract from forest aesthetics.

- If installing temporary fencing along a property boundary, install fencing on the Town Forest side of the property lines. Use substantial metal stakes to support the fence.
- If using small mesh temporary fencing and the length of fencing is greater than 50-feet, cut a few low, rectangular holes (6" high) at regular intervals (no greater than 50-feet apart), to allow small wildlife passage. Larger wildlife will either go around the fence, or in the case of deer, at times jump over it.