

Rye Conservation Commission
Thursday, September 8, 2020
7:00 p.m. – via ZOOM

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

I. CALL TO ORDER

Chair McFarland called the meeting to order at 7:10 p.m.

Statement by Suzanne McFarland:

As a Chair of the Rye Conservation Commission, I find that due to 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. However, in accordance with the Emergency Order, I am confirming that we are:

- a) Providing public access to the meeting by telephone, with additional access possibilities by video and other electronic means. We are utilizing Zoom for this electronic meeting. All members of the Historic District 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 through dialing the following phone number: 646-558-8656 and Password: 025814 or by clicking on the following website address: www.zoom.com ID #894-1961-4676
- b) Public notice has been provided to the public for the necessary information for accessing the meeting, including how to access the meeting using Zoom telephonically. Instructions have also been provided on the Town of Rye website town.rye.nh.us
- c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access.
- d) Adjourning the meeting if the public is unable to access the meeting.
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.

Roll call attendance of Commission:

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

Note: All other Members stated where they were located and confirmed that they were the only ones in the room for the meeting.

II. APPROVAL OF MINUTES - September 10, 2020

The following correction was noted:

- Page 4, Under ‘Other Business’, Item B should state: **40 Signature Drive, timber trespass**

Motion by Susan Shepcaro to approve the minutes as amended. Seconded by Suzanne McFarland.

Roll Call: Sally King – Yes; Jaci Grote – Abstain; Heather Reed – Yes; Jeff Gardner – Yes;

Mike Garvan – Yes; Susan Shepcaro – Yes; Danna Truslow – Yes; Suzanne McFarland – Yes

Motion passed

III. WETLANDS

A. 0 Brackett Road, Tax Map 17 Lot 65

Owner: Todor Simeonov

Eckman Engineering – Kurt Byron

The applicants were not present. Chair McFarland will follow up with the Zoning/Planning Administrator.

B. 2 Merrymeeting Lane, Tax map 15, Lot 18

Owner: Benson, Denise and Craig

Bedford Design Consultants

Attorney Tim Phoenix

Construct new home

Attorney Tim Phoenix, representing the applicants, presented to the Commission. He introduced the members of the design/construction team. He noted that a plan has been submitted to the Commission that shows a home on the lot. Since that time, the plan has continued to develop. The plan is going to be a little different from what is shown on the original plan. The changes will move the home a little farther from the wetland and there will be new elevations for the new design. He commented that he will get those plans to the Commission, as soon as he gets them. This application was to be heard at the next zoning board meeting; however, that has been continued. It is likely the application will be before the Zoning Board in December.

Robert Baskerville, Bedford Design Consultants, stated that his company was hired to do the site survey, septic system design and stormwater engineering. The lot is 3.29-acres and was signed by the planning board and created in March 1987. Craig Benson purchased the property in 1993 and has owned it for over 27 years with no development on the lot since that time. Mr. Baskerville continued that he walked the land in May with Jim Gove and the wetlands were flagged at that time. Test pits for the septic were also completed and witnessed by the Town. The original plan shows a rectangular two-story colonial footprint. A recent updated footprint increases the distance from the wetland than what is shown on the original plan. He noted that the 100' setback from the wetland line goes up within a few feet of the front property line. There is no land on the lot that is not within the side, front or wetland setbacks. Mr. Baskerville stated the plan is to have a pervious driveway. All the roof runoff will be infiltrated into stone trenches around the house. He noted that the house and septic system is pulled up to the front property line as close as possible. There is a catch basin at the front of the property that requires a minimum distance. There is also a minimum distance from the septic system to the house. He pointed out that because of the size of the parcel, the lot coverage for the building will be less than 2%.

Jim Gove, Gove Environmental Services, noted that the plan shows the old wetland line, which is well back from where the house is proposed. This line actually represents where the scrub shrub emergent wetland starts. In the front of the lot is a forested wetland that is poorly drained; which in a lot of instances, would not be recognized as a wetland. It does not have a lot of shallow root systems or dark ponded area. It does have a dominance of hydrophytic vegetation and hydric soils. Mr. Gove explained there is an area of white pines with a strip of wetlands that runs between this area and another area of uplands beyond, which is another area of white pines. (A plan of the property was presented on the screen for the Commission's review. Mr. Gove pointed out the location of the wetlands. He also pointed out the "island" and the narrow strip of wetland, which is located between the "island" and the main upland.) Mr. Gove explained there are two types of wetlands on the parcel; a forested wetland in the front and emergent scrub shrub to the back. He commented that there is wildlife habitat but it is not the wetland habitat that is a concern for vernal pools, etc. This is not a wetland that has a high function. His belief is that this house is not going to have a detrimental impact on the functions of the wetlands. There is not going to be a significant impact to wildlife habitat; nor will it have any significant impact on sediment retention or flood flow alteration. He reiterated that his belief is this house will not have a detrimental impact upon the functions and value of this particular wetland.

Chair McFarland pointed out that the paperwork sent to the building inspector said the disturbance area was approximately 5' from the wetland and the home was approximately 7' from the wetland. She asked how those numbers have changed.

Mr. Baskerville explained the original plan showed the house squared off into a two-story colonial. The new footprint more than doubles what was originally expected for a wetland setback. The setback is 17' to each corner of the proposed house. The driveway is about 15' but that can be increased a bit and it can be made all pervious.

Brenda McNamara, Architect, spoke to the Commission in regards to the design and the proposed location of the home.

Member Grote asked the square footage of the footprint.

Mr. McNamara replied the core footprint is about 2800s.f. This includes the house and the attached garage, but does not include the porches. It is based around a 24' wide modified cape for the house and a 28' wide barn style garage.

Member Gardner stated that in looking at the original plan, it shows it being over 4,000s.f.

Mr. Baskerville explained that the Bensons originally tasked him with proceeding with a plan before they had an architect. The house design improved once Mr. McNamara was hired. The previous footprint is now completely superseded.

Chair McFarland summarized the disturbed area has gone from 5' to 15' and the new home has gone from 7' to 17'. The septic has moved 2' to 66'. She asked how many trees greater than 4.5" in diameter will be cut.

Mr. Baskerville replied they did not count the trees. He would say it is more than 10 but less than 50 trees. He commented they can do a better approximation on the site walk.

Chair McFarland requested that the location of the back of the house and the driveway be staked for the site walk. She also requested flagging of the trees that are intended to be removed.

Mr. Baskerville agreed.

Vice-Chair King asked about vernal pools on the property.

Mr. Gove explained that he did not do a vernal pool survey beyond the edge of the wetlands. There could be some vernal pools way in the back, but there is nothing in proximity to the proposed location for the house. He further explained the reason he did not go in the back of the lot is because it is so far away.

Vice-Chair King asked if there was any condition, at the time the Bensons bought the property, that this property could not be subdivided.

Attorney Phoenix stated that he did not run title on this site because he did not see a need. He is not aware of any conditions regarding subdividing. He pointed out that this lot has existed as it is for many years. His generic response would be that the Planning Board approved the lot as it is. The lot has never been developed. At the time it was approved, it was certainly understood that someone would be putting a house on the lot. He noted that at that time, the perceived wetland boundary was the red dash line shown on the plan, not the line that Mr. Gove has flagged now.

Mr. Gove agreed. He stated that probably at the time this lot was created the thought was that there was plenty of room in the front of the lot to place a house without any restrictions. As time goes along and delineation standards change, there are places that were viewed back then as being uplands, which today are not uplands but are wetlands. This is more or less a function of the delineation standards changing from back then to today.

Attorney Phoenix pointed out that the setback requirements have increased over time, so that is having an effect as well.

➤ **Site walk scheduled for Monday, October 26th, 4:00 p.m.**

C. 3rd and 9th golf holes

60 Wentworth Road, Tax Map 24, Lot 61-26

Owner: Bill Binnie, Club Manager Robert Diodati

498' stone wall along a fairway

A representative for WBTSCC was not on the meeting to present the application. Chair McFarland will follow up with the applicant's engineer.

IV. PENDING SITE WALKS AND REVIEWS

- **Request for a site walk – Deena Berry, 270 Brackett Road,** Tax Map 019, Lot 134 proposed tree cutting that may be within the wetlands buffer.
- Chair McFarland, Member Garvan and Member Shepcaro agreed to meet for a site walk once the tree permit is verified.
- **250 Locke Road**
- The Commission discussed the follow up on 250 Locke Road. It was agreed that the Commission has done everything they needed to do and it is now in the hands of the building inspector. Member Garvan will send a letter to the building department saying the Commission approves of the planting plan and recommends a certificate of occupancy be issued, pending the building inspector's approval of the drainage plan.
- **Goodwin Easement**
- Member Truslow noted that she and Member Shepcaro will be walking the Goodwin easement on Wednesday, October 14th, 9:30 a.m. Vice-Chair King agreed to also attend the site walk.

V. OTHER BUSINESS

A. Pathway to Rand conservation land and sawdust pile – Rand conservation easement land

Chair McFarland noted that a site walk was held at the property. The homeowners will be receiving a letter explaining how the Commission understood the role of the homeowner's association and the common area in this situation. The Commission is also looking at making a pathway out to where the trails start, so people do not walk along the backyards on the wrong side of the conservation sign. An estimate was received to place some large boulders along the pathway, which will look more natural. The Commission has also been looking into the sawdust the developer has spread. Green Penguin Landscaping went out the site to give some options on what can be done. It has become a work in progress in trying to obtain facts on how this should proceed.

There was some discussion with Mike Steinberg and John O'Brien from Sea Glass Lane. Mr. Steinberg and Mr. O'Brien agreed that they needed to wait to comment further until they receive the letter from the Conservation Commission.

B. Natural Resource Inventory (NRI) meeting

- Meeting scheduled for Wednesday, October 14th, 1:00 p.m. to review three proposals.

C. Town Forest

Member Shepcaro reported that the new forest management plan is now posted on the town's website. The bound copies have not yet been received. There will be a final bill sent to the Commission for the final editing and bound copies. She continued that a few weeks ago, there were many deceased mice on the trails with a few frogs and one chipmunk. This was after a mosquito spray and also a tick spray, which was done on September 25th. She called Dragon Mosquito and spoke with someone at the

company who said the spray will not kill mammals. Dragon did not have any experience with that happening. At the suggestion of Member Garvan, she called Fish and Game and spoke with Jeremy Hawkes who said there is a laundry list of things it could be. He suggested testing if the Conservation Commission is concerned. Fish and Game would test five to six specimens, which would be done at U.N.H at the Commission's expense. Another gentleman from Fish and Game, Josh, said that chipmunks are getting ready to hibernate at this time of year. They eat everything they can get their hands on, in order to get fat, which may be things that have been sprayed by bug spray. If enough was eaten, it could impact them. Also, there is also the drought that will cause dehydration. Josh also suggested that it could be young foxes, coyotes or fisher cats who are learning to hunt. Member Shepcaro will continue to keep an eye on the situation.

Member Garvan noted that the boundary paint has been ordered and it has shipped. He and Member Shepcaro are going to get together some folks to blaze, with boundary paint, the trails with the appropriate colors per the management plan. He would also like to get up the signs about the dog leashing during the period of March 15th to July 15th. He suggested that they have some other signs to indicate that the area inside the Green Trail is a wildlife sanctuary, to help discourage some of the trail blazing and trail creating that has happened. He will have those signs made up.

Member Reed commented that the junior high is using the woods a lot to get the students out as much as possible. If any information or communications should be made to the school about the Town Forest, it can be done through the school's principal, Marie Soucy.

D. Goss Barn

Chair McFarland gave a quick update on the Goss Barn. Phase II is starting October 9th. The crew will be working on the east and west side, checking the clapboards and nailing them down. Where the water intrusion is on the east side, they will be putting clapboards over it, so the beam inside will hopefully not rot. Estimates have been received from painters, which was put in as a Capital Improvements Plan (CIP) expense. The windows have been received for the east and the west hayloft and are painted. Those will go in before the winter. The barn sashes are ten weeks out, so those will be done when they come in. She noted that the intent is for the painting to be done in the spring.

E. Signature Trail

Chair McFarland asked if there is a plan to start the Signature trail.

Vice-Chair King replied that a good time to do it is fairly soon because there are not so many ticks, it is cooler and easier to get in to the parcel. She suggested putting a group together to walk the site to look at possible trail locations.

Member Grote stated that she and Vice-Chair King will put a group together and report on this at the next meeting. Anyone who would like to join the walk is welcome to do so.

F. Cedar Run

Member Reed reported that the final detailed map has been completed and will be sent off to the NH Natural Heritage Bureau (NHB). This is the last piece needed for the pending approval. She also noted that there are grass clippings at the entrance to the trail.

Vice-Chair King stated that a company from York, Maine does the maintenance on the yards in that area and they are dumping the clippings. The developer (D.D. Cook) was going to speak with them. She will follow up on this issue.

VI. CORRESPONDENCE

A. Thank you note from Kate Drago

A thank you note was received from Kate Drago for the gift sent to her by the Conservation Commission. Chair McFarland will share the note with the members of the Commission when she is able to see everyone in person.

The following pieces of correspondence were received:

- **NHDES wetlands approval Permit #2019-02884**, Tax Map 9.2, dredging Rye Harbor
- **Floodplain Management Basics Training Webinar for Community Officials** – November 12th
- **NHDES Shoreland Permit approval for 10 Causeway Road**, Tax Map 02, Lot 76
- **NHDES wetlands approval Permit #2020-01326**, Tax Map 9.2, Lots 12 & 13, maintenance dredge
- **SBA Communications Corp** - breakdown and revenue for the cell phone tower
- **NHDES letter received accepting the application for 60 Wentworth Road** – WBTSCC
- **SELT Review Issue #19**
- A call was received from a gentleman who lives on Ocean Boulevard about someone cutting the marsh grass across from his property at 21 Wallis and 13 Appledore. Chair McFarland has driven by the area and noted that it is phragmites. Vice-Chair King commented that she is pretty sure that Rockingham County Conservation District is doing the cutting as they were working in this area recently. She will follow up with Tracy Degnan.

B. 40 Signature Drive, Beckett email

Chair McFarland read an email received from the Becketts at 40 Signature Drive in regards to their upcoming scheduled appointment with Piscataqua Landscaping and Tree Service for review of the area for replanting thirty-eight trees. Tessa Boyce from Piscataqua had noted that there is significant growth starting in some of these areas and it may be better to allow natural growth to continue undisturbed, as digging test holes for new plants will disrupt this process. It was also suggested that the Commission consider planting local saplings in larger numbers than requested, as this would be less invasive. The Becketts asked the Commission how they would like them to proceed.

After some discussion, it was agreed that the Conservation Commission should set up a meeting with Tessa Boyce on site. Chair McFarland will follow up with Mr. Beckett.

VII. BILLS

Motion by Mike Garvan to pay the following bills as listed;

- \$22.65 Eversource - Goss Farm
- \$1891.45 Doucet Surveying – 81 West Road
- \$238.00 Doucet Surveying – 81 West Road
- \$1394.94 Jaci Grote, Stratham Hill stone, granite posts trails
- \$620.56 Suzanne McFarland – windows for Goss Barn – Selectwood
- \$238.60 Alan Bucklin – Goss Farm
- 4430.70 Water District – Goss Farm
- \$128.45 DogPoopBags.com – Susan Shepcaro

Seconded by Jaci Grote.

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

Motion by Jaci Grote to pay the following invoices as listed.

- BCM - \$25.80 - Inv #3736 – Grondahl & 120 Garland Road
- BCM - \$970.00 - Inv #3738 – Sea Glass homeowner issue
- BCM - \$45.00 - Inv #3786 – 120 Garland Road

Seconded by Heather Reed.

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

Motion by Jaci Grote to pay the following bills;

- RCCD \$6,110.07 - Inv #87815 – 81 West Road
- RCCD \$3,375.00 – Inv #87814 – Salt Marsh proposal

Seconded by Heather Reed.

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

The Commission discussed the acquisition status for 81 West Road. There was also discussion about the proposal received for the trees on Goss Farm. The Commission agreed to wait on the tree work until the remaining budget for 2020 is reviewed.

ADJOURNMENT

Motion by Jaci Grote to adjourn at 8:38 p.m. Seconded by Heather Reed.

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

Respectfully Submitted,
Dyana Ledger