

**RYE CONSERVATION COMMISSION
MEETING**

**Thursday, February 18, 2021
5:00 p.m. – via ZOOM**

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

I. CALL TO ORDER

Chair McFarland called the meeting to order at 5:00 p.m. via Zoom teleconferencing and seated Alternate Danna Truslow for Jaci Grote.

Statement by Suzanne McFarland: As chair of the 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, I am confirming that we are 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 board 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 in to the following phone number: 646-558-8656 or by clicking on the following website address: www.zoom.com ID #897 2807 4615 Password: 325698

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 website of the Conservation Commission at: town.rye.nh.us go to the Conservation Commission page and click on the agenda for this meeting. If anyone has a problem, please call 603-379-0801 or email: Becky Bergeron at Bbergeron@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.

Roll Call:

1. Suzanne McFarland
2. Mike Garvan
3. Danna Truslow
4. Susan Shepcaro
5. Jeff Gardner
6. Karen Oliver
7. Heather Reed

(Each board member confirmed that there were no others present with them in the room.)

II. APPROVAL OF MINUTES

○ January 12, 2021

The following corrections were noted:

- Page 1, it should be noted that Chair McFarland called the meeting to order.
- Page 2, last paragraph, 1st sentence should read: **Chair McFarland noted that she spoke with the Commission's attorney and he has advised that they do not take any action on this matter at this time, as a result of the ongoing litigation.**
- Page 6, 3rd paragraph, it should be clarified that Mr. Colwell stated at the meeting that the screened porch was heated. The space is not heated at this time; however, it will be heated once the project is completed.
- Page 6, 2nd paragraph from bottom, 1st sentence should read: **Vice-Chair King gave an update in regard to a site walk for a property on Harbor Road that involved two locust trees on either side of the property line.**
- Page 9, under item g, 1st sentence should read: **Chair McFarland noted that Jim Verra is behind on some projects;**

Motion by Susan Shepcaro to approve the minutes of January 12, 2021 as amended. Seconded by Danna Truslow.

Roll Call: Mike Garvan – Aye; Jeff Gardner – Aye; Susan Shepcaro – Aye; Heather Reed – Aye; Danna Truslow – Aye; Karen Oliver – Aye; Suzanne McFarland - Aye

Note: Sally King joined the meeting at 5:10 p.m.

III. WETLANDS

A. 797 Ocean Blvd, Tax Map 231, Lot 008 Owner: Aaron Proulx and Jun Lee Back yard – fencing and removal

Jun Lee, applicant, spoke to the Commission in regards to the removal and rebuild of a fence located along the wetlands at the rear of the property. The project also includes the removal of trash and debris in the area. There is also a retaining wall to the rear of the property that they would like to reinforce with posts, as it is falling apart. Along with these improvements, they would like to locate an air-conditioner condenser at the rear corner of the home. Also, the existing generator must be relocated, as it is currently under the deck and this does not meet code. They are proposing to move the deck stairs away from the a/c condenser and generator. They would also like to add a deck to the front of the house. (She presented

the plan on the screen for review and pointed out the proposed locations for the improvements.) She noted the generator is 32.7' from the wetlands. The a/c condenser is 32' and the new deck in the front is 62.3'.

Member Shepcaro asked if there is any way the a/c condenser and the generator could be further away from the wet area, maybe along the side of the house.

Ms. Lee explained that a variance would be needed if they were to be located in the side yard. (She presented photos to the Commission showing the property.)

Member Garvan asked who delineated the wetland. It seems like the area from the retaining wall towards the wetland is actually wetland.

Ms. Lee replied they based it off the old survey. They are in the process of having a new survey done; however, the wetlands cannot be flagged because of the snow.

Member Garvan asked if the property includes some wetland.

Ms. Lee confirmed.

Member Garvan asked the square footage of the new deck. He also asked if the new stairs on the rear deck will be the same.

Ms. Lee explained they are proposing to add 80sf of new deck along the front. The rear deck will be 70sf plus the new stairs and landing will of 39sf.

Member Gardner commented that his concern is the grass up to the wetland. He asked what the plans are for plantings.

Ms. Lee explained the plan was to clean up the debris and reinforce the wall. They did not have any plans for planting. She commented they would like to keep it natural.

Member Garvan stated that his concern is the retaining wall is there to hold all the fill that was put in. Everything to the left of the wall is probably wetland. That is the area he is concerned about. If the area is delineated as wetland, the entire house is in more of the setback. His concern is how they deal with the retaining wall toward the wetland; whether it be plantings or left to go natural.

There was some discussion about when a site walk could be held. Member Gardner suggested they approach this on the assumption that the area is all wetland. There could be some agreement that the Commission can revisit once the snow has melted. The project will need to go before the ZBA, which could be a long process.

Chair McFarland noted that the project is well within the 75' wetland buffer.

Member Garvan commented the front deck is going to be over an asphalt driveway, so that will not have a negative impact. The rear deck is being made smaller and is in the same location. Moving the stairs might slightly encroach a bit more. He does not see a problem with the project; however, he would like to address what is beyond the retaining wall.

Member Shepcaro agreed.

The Commission agreed to schedule a preliminary site walk.

- **Site walk scheduled for Wednesday, March 3rd, 4:00 p.m.**

IV. PENDING SITE WALK REVIEWS

A. 200 Parsons Road update

Chair McFarland reported that Green Penguin Landscaping calculated that taking out the gravel driveway is about 41 yards of material, which is a huge piece of that project. The Commission will go back to look at the back yard plantings this spring. They will be asked to assess what can and cannot be done in the gravel driveway area.

B. 0 Brackett Road, Tax Map 017, Lot 065

Chair McFarland noted that the Town had ordered them to remove their blasted rocks that were brought over from New Castle and dumped on the lot. The property owners were going to be fined per day, so the rocks have been removed. The property owners will be at the Commission's next meeting for the proposal the Commission did not take any action on at their previous meeting.

V. OTHER BUSINESS

a. Fertilizer

Member Truslow stated she sent a letter to the members that she prepared for the Technical Review Committee of the Planning Board. There has been a lot of discussion concerning fertilizer issues, which come up every time there is a project in the Aquifer Protection Zone. The Planning Board has been limiting fertilizer use to either "no nitrogen" fertilizer or "slow-release nitrogen". There was a question with one of the projects about whether this was feasible. She was asked to do some research to primarily find out what fertilizers are available that have no nitrogen or other nutrients, as phosphorus is a concern as well. She continued that excess nitrogen in a saltwater environment causes overgrowth of algae, which then depletes oxygen and changes the environment. Saltwater is really sensitive to higher nitrogen and freshwater environments are more sensitive to excess phosphorous. Nitrogen is also a health concern and there is a requirement in drinking water that it be below 10 milligrams per liter. She pointed out that a lot of her work was relative to nitrogen impacts in the Aquifer Protection Zone; however, surface water is affected by nitrogen use as well. She noted that a lot of good information was put together. There really isn't much in the way of fertilizers that don't contain any nitrogen at all. A lot of people probably don't need to put nitrogen on their lawn. They should look at their soils to know what is actually needed. There is really not that much understanding of what fertilizer does and how to use it properly, if it is even needed at all.

Member Truslow stated that it makes sense to her to try to do some public outreach, as the community is surrounded by water. Public outreach would be helpful in educating people on fertilizer use and the incorrect use of fertilizer. The Technical Review Committee was in agreement this would be a good idea. She suggested that the Conservation Commission might be interested in being involved, as well. The Commission could sponsor a workshop by Julia Peterson and her associates from UNH Cooperative Extension. This could be done online or at a later date when it can be done in person.

After some discussion, it was agreed that an educational Zoom program would be a good idea. Danna Truslow, Heather Reed and Sally King will work on this idea further.

b. Whitehorse Access Signs

It was agreed that the members working on the trails will finish Whitehorse once there is a little less snow. After Whitehorse is completed, the group will work on the Jim Raynes Forest.

Vice-Chair King noted that Jim Raynes received his plaque for the James Hayden Award from Rockingham Planning Commission and he is delighted.

c. ZBA Sign-ups

Chair McFarland commented that she would appreciate signups for the ZBA meetings. She has been told numerous times that the Conservation Commission's presence at the meetings is invaluable. In fact, the Planning Board Chair said how helpful Member Garvan's letter was in regards to Signature Drive and Autumn Lane.

d. Library Joint Outreach

Chair McFarland noted that the Library would like to have a joint meeting with regards to a property coming up, but has not yet been closed on.

Member Oliver commented the idea was to schedule a meeting date to be held after the closing.

It was agreed a meeting would be a good idea and could be a public informational meeting, as well. Chair McFarland will follow-up on coordinating a meeting.

e. 16 Wentworth Road

Member Garvan stated that he sent out a draft recommendation letter for 16 Wentworth. At the site walk, the Commission did not arrive at a group consensus as to what they would like to see with that project. He put in the letter that the Commission thought it was an excessive project, as the footprint will increase by 67% and the entire project is in the wetland buffer. Also, ledge is going to have to be removed in order to create the space. As Member Gardner had said, historically the Commission has been trying to limit expansion of the footprint within the buffer and this seemed like it was pretty excessive. The Commission also recognized the safety issues at the property, in terms of getting a car in and out the driveway. Member Garvan suggested that they not recommend the addition with the two-car garage and living quarters above, but allow them to construct a driveway to park two cars with enough space to turnaround to drive out onto Wentworth Road.

Vice-Chair King commented this makes sense to her. Cars going out face first will solve the safety issues.

Member Garvan pointed out that they will still have to blast to do that. He continued that the ideas they were talking about for stormwater drainage are things that he would like to see; drip edge around the existing structure and plantings. Those were all very positive ideas.

Vice-Chair King stated there were several cars parked in the parking area. She thinks they could turnaround as it is without any blasting.

Chair McFarland concurs with what Member Garvan's thoughts. She wants to be sure there are plantings. She does not think the site warrants doubling the house.

Vice-Chair King commented that she does not think they can demand plantings and other things if the project isn't a go.

There was some discussion about the existing screened porch, which is unheated space at this time but is proposed to be heated once the project is completed. It was noted that the space would not be an increase in the footprint but would be an increase in use.

Vice-Chair King asked if they say in the letter that they can go ahead and make that space part of the structure, since it is already there. She suggested stabilizing and winterizing the screened porch space, making a space for cars to turnaround, and adding rain gutters and drip edge.

The members agreed. The proposal will be going before the ZBA on March 3rd.

VI. CORRESPONDENCE

a. PREP Annual Report

- *Received for the Commission's review.*

b. SBA Communications Corp

- *Received correspondence.*

c. Tom Blouin, work under NH DES permit 2020-01326 will begin Feb 8, 2021

- *Notification from property owner of work start date.*

d. Email from Ed Hayes – Sea Glass Lane

Mike Steinberg, representing Sea Glass Lane Homeowners' Association, was on the meeting to follow up on the email from Ed Hayes, as he has not received a copy.

Chair McFarland explained that Ed Hayes has been given two proposals for removal of the compacted sawdust on the conservation easement land. The ground situation is going to be assessed as of April 1st. They are going to meet at the site to make a plan for the sawdust removal.

Mr. Steinberg agreed this made sense.

Vice-Chair King asked if Mr. Hayes has taken responsibility to removal the sawdust.

Chair McFarland stated that Mr. Hayes implied that he was going to bring his own landscaper on site for that meeting to determine a remedy for the situation. She assured Mr. Steinberg that they are corresponding with Mr. Hayes and he is willing to work out a solution.

VII. BILLS

- \$4.15 reimburse Suzanne, certified letter, Sea Glass – Ed Hayes
- \$112.50 BCM Environmental and Land Law #4418
- \$3817.50 BCM Environmental and Land Law #4419 - \$900.00 is covered by another entity.

- \$1200.00 Seacoast Tree Care #13964
- \$2480.00 Seacoast Tree Care #13965
- \$18.35 Eversource – Goss Farm

Motion by Susan Shepcaro to accept and pay the bills as presented. Seconded by Mike Garvan.

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

- **Natural Resource Inventory (NRI) update**

Chair McFarland stated she has been in contact with the consultant that was chosen and the Town Administrator about ways they can hold their spot because they are losing their place in line. If this has to wait until the town budget is voted on, it will be in the consultant's busiest part of the season and the project will probably be kicked into next year. She pointed out that this is an important document for the Town and for future funding opportunities. She noted that this is also a statutory requirement. She asked the Commission if they would consider paying the retainer up front before the budget is voted on. There is also a grant available that they could apply for. If the Commission was chosen, they would have to pay half the cost anyways. She is worried about losing this after all the hard work that has been done. She asked the Commission how they feel about spending \$2,500 to \$5,000 out of this year's budget for the NRI, as they have \$82,500. She noted that the NRI was structured as a capital overlay for the 2021 budget.

Vice-Chair King stated that she does not think there is any reason to wait. The Commission still has a budget that could cover this. The forest management plan was just done and this is a natural step to take and a valuable one.

The Commission agreed.

Motion by Mike Garvan to pay FB Environmental \$2,500 as a retainer to start the NRI. Seconded by Heather Reed.

Member Oliver asked if there is something in the contract that gives the Commission an out if something goes wrong with the funding. She asked if the contract for the NRI has been reviewed by the Commission's attorney.

Chair McFarland replied that it has not been reviewed.

Member Oliver commented that she would hate for them to move forward on the contract with a deposit and have a problem with the budgeting.

Chair McFarland suggested that they not move forward with submitting this payment until they get some clear wording on moving forward.

Mike Garvan withdrew his original motion.

Motion by Mike Garvan for Chair McFarland to check with the consultant to make sure there is a budgetary provision by which the Commission can withdraw and then move forward with the down payment of \$2,500 to hold a place in line. Seconded by Susan Shepcaro.

Roll Call: Danna Truslow – Aye; Susan Shepcaro – Aye; Jeff Gardner – Aye; Karen Oliver – Aye;

Heather Reed – Aye; Sally King – Aye; Mike Garvan – Aye; Suzanne McFarland – Aye

- **Property Follow Up**

Member Shepcaro asked how they handle properties that have been signed off on for projects that might take multiple years; such as plantings. She asked if the Commission keeps track of that or if it would go through the building department.

Member Garvan pointed out that they had spoken about a management software program that could keep this information organized.

Vice-Chair King commented it is not going to be the building inspector's office, as they are so overwhelmed with work.

Member Shepcaro stated that could write in their letters that they will come back to check the progress, which has been done many times. She feels like plantings might not happen if they don't go back.

Chair McFarland agreed it would be great to have a system in place. She suggested that they speak about this again.

Steve Borne, 431 Wallis Road, stated the whole town has this problem. The Planning Board gives conditions for special things and no one goes back to check them. It's a town issue, not just Conservation. There should be a system for the whole town. In regards to the cell tower, he suggested taking some of the money from the Grove Road cell tower and start putting it away to camouflage the next cell tower, as the Town didn't insist on camouflaging.

Vice-Chair King noted that the Commission does not get this money. It was reallocated to the Fire Department and they have purchased two ambulances with the money. The funds have been reallocated to the Fire and Ambulance Fund. The Commission has not seen any of that money. She explained that a warrant article was written that reallocated the money without coming back to Conservation, as it was only supposed to be a five-year, one-time deal.

Chair McFarland read a message from Town Administrator Becky Bergeron from the chat room. Town Administrator Bergeron messaged that there was a warrant article authorizing the money to be diverted indefinitely.

Mr. Borne continued that he is working on the Civic News Letter the weekend of February 27th and can promote the joint meeting with the library.

ADJOURNMENT

Motion by Susan Shepcaro to adjourn at 6:38 p.m. Seconded by Mike Garvan.

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

Respectfully Submitted,
Dyana F. Ledger