

**RYE CONSERVATION COMMISSION
MEETING**

Thursday, April 8, 2021 – 7:00 p.m.
Via Zoom

Members Present: Chair Suzanne McFarland, Vice-Chair Sally King, Mike Garvan, Susan Shepcaro, Heather Reed and Alternate Karen Oliver

I. CALL TO ORDER

Chair McFarland called the meeting to order at 7:00 p.m. via Zoom video conferencing.

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 #889 3426 9551 Password: 984657

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. Susan Shepcaro
4. Heather Reed

5. Sally King – others are in the house
6. Karen Oliver

(Each board member confirmed that there were no others present with them in the room, unless otherwise noted above.)

Chair McFarland seated Alternate Karen Oliver for Jaci Grote.

II. APPROVAL OF MINUTES – March 11, 2021

The following corrections were noted:

- Page 4, under item C, it should be noted that Mr. Wasserman may have misspoke when he said that “the building inspector has already issued a flood permit”, as the Town does not issue a permit as such.
- Page 4, 2nd paragraph from bottom, 2nd sentence from bottom should read: **The proposal is for a couple of patios, just over 1,100sf., with pervious pavers.**
- Page 5, 2nd paragraph from bottom, 2nd sentence from bottom should read: **He would custom make the base of the shed to accommodate the grade differential.**
- Page 6, 2nd paragraph should read: **Member Grote asked if there is a reason it cannot be behind the garage or some place in back of the house.**
- Page 8, 4th paragraph, 2nd sentence should read: **They can guide but cannot do the hands-on fundraising work.**

Motion by Mike Garvan to approve the minutes of March 11, 2021 as amended. Seconded by Susan Shepcaro.

Roll Call Vote: Suzanne McFarland – Yes; Mike Garvan – Yes; Susan Shepcaro – Yes; Heather Reed – Yes; Sally King – Yes; Karen Oliver – Yes

Motion passed.

III. WETLANDS

A. Rye Elementary School

Baseball field

Paula Tssetsilas

Paula Tssetsilas, speaking on behalf of the Rye Elementary School, presented a proposal for fencing at the baseball field, with a portion being within the wetlands buffer, at the Rye Elementary School. (She presented the plan on the screen for the Commission’s review.) She noted that the yellow line on the plan is what they believe is the wetlands buffer, without having done a complete survey. They are seeking an okay from the Conservation Commission in order to get a building permit for the fence. She pointed out the backstop and the fencing, following along the first baseline, which is 175’ long and falls within the buffer. In that area, there is a 28’x8’ batters’ box and dugout. She also pointed out the fencing running along the third baseline. The dugouts will be fenced-in dugouts, so there will be no concrete pad or wood construction. The dugouts will be built out of fencing material.

The Commission reviewed the plan on the screen showing the location of the baseball field off the back entrance to the Elementary School and near the back playground. They also reviewed the location of the wetlands and the buffer in relation to the proposed baseball field.

Aaron Scogin, Rye School District Athletic Director, explained that originally the plan was to have wood frame dugouts. Each dugout would've required eight 12" sauna tubes that went 4' deep, which would have required a considerable amount of concrete. In addition to the existing fencing that would serve as the front face, there would only be four additional posts.

Member Shepcaro asked if the dugouts have roofs and benches. She also asked if there would be grass or gravel on the ground in this area.

Mr. Scogin replied that the dugouts will have a metal roof and metal rafters. As of right now, the benches are going to be metal benches inside. He is looking at options to secure them to the fencing to make them more permanent. The ground material in the dugout is going to be just grass. However, he would look to the Commission for guidance on what would be the best material.

Member Oliver asked about the type of fencing.

Mr. Scogin noted that it is chain-link galvanized fencing. The fencing is installed with galvanized posts 3" in diameter. The posts are usually spaced 10' apart, except for around the dugout where it is a bit different.

Member Oliver clarified it is a standard baseball chain-link fence that is higher in back and not quite as high along the sides.

Mr. Scogin confirmed.

Ms. Tssetilas noted that the field will be staked for the site walk with the Commission. A picture of what the dugouts will look like will also be available for the Commission.

- **Site walk scheduled for Tuesday, April 13th, 3:40 p.m.**

B. 1367 Ocean Blvd, Tax Map 17.4 Lot 16

Owner: Nicole Callahan

Paul Dobberstein – Ambit Engineering

Paul Dobberstein, representing the applicant, presented to the Commission. He explained that the property currently has a single-family home with a garage that has a one-bedroom apartment above. The site has existed like this for quite some time. Right now, the garage is over the property line into the right-of-way. There is an existing leachfield, along the side of the house, that was installed in 1998. The proposal is to tear down the existing garage and build a replacement in kind. The new garage will be moved over so it is not over the property line and will be further away from the rear property line. The dimensions for the new garage are quite similar to the existing garage. The only thing that will change is the construction of a two-story connector between the main house and the proposed garage. In doing this, a portion of the existing slate patio that is between the house and the garage will be removed. A retaining wall

and deck with access stairs to the side of the existing garage will also be removed. Mr. Dobberstein pointed out there is a proposed second deck to the apartment above the garage for egress. There is also a proposed pervious walkway. The Callahans would like to convert the slate patio to a pervious material. It is not shown as such on the plans and is not reflected in the impervious surface table because soil testing has not been done to be sure there is adequate soils to accommodate a pervious technology. He continued that the second-floor decks on the existing house and proposed garage were not removed from the impervious surface calculations; although, a gravel drip edge is being considered to help make it more of a pervious situation.

Mr. Dobberstein stated that to the northwest of the property is a freshwater marsh. Also, the whole lot is within the protected shoreland area because the ocean is on the other side of Ocean Boulevard, across from this property. All the work that is being proposed is within the 100' buffer from the freshwater marsh. He pointed out that all of the area is already disturbed. The work will not be disturbing any area that is currently in a natural state. The proposal will have to go to the zoning board for several variances. A shoreland permit will also be needed from the State.

Member Garvan asked for clarification on the change in impervious coverage.

Mr. Dobberstein stated they have been very conservative with this application plan. Right now, without doing any pervious technology, except for the sidewalk on the left side of the proposed garage, it is being increased by .5% or 24sf. The lot is so small that any little area is going to have an impact on the percentage. He noted that they did not want to come before the Commission and show pervious technology where it would not work. However, the property owners would like to make the patio pervious, if they are able to do so.

Nicole Callahan, applicant, noted that they are happy to change the flagstone patios if it can be done.

Member Oliver clarified that if nothing is done to add pervious surface, the increase in the impervious would be about 24sf.

Mr. Dobberstein confirmed. He noted that includes having a pervious walkway on the west side of the garage, which they believe can be done.

- **Site walk scheduled for Tuesday, April 13th, 3:00 p.m.**

C. 0 Brackett Road, Tax Map 019 Lot 096

Owner: Donald Perrault, Brackett Road Realty, LLC
New Buyer: Christopher Griffin
New 2-bedroom house

Christopher Griffin stated that he went under contract on this property in August of 2020. It is a non-conforming lot of record, which allows for more constrained dimensions in terms of frontage, lot coverage and lot size. (He presented the survey plan on the screen showing the setbacks and the buildable area.) He continued that when the plan was submitted to the building inspector, there was a question in regards to the pond in the back and whether it was a vernal

pool, which would constitute wetlands requiring a setback that would further reduce the buildable area. Gove Environmental visited the site to review the pond in the back. It was determined that the pond was not necessarily considered a vernal pool, but there is a depression beyond the pond that is considered a vernal pool; however, that area is far enough away. He continued that the proposal is for a two-bedroom home with the septic and leachfield located in the front of the property. The driveway will be a crushed stone system with eco-tiles that prevents the compacting and silting of gravel, so it will remain pervious. He noted this is a key element to being under the 15% coverage of the lot. There is a crushed stone drainage system along the side of the house that is designed as an approved waste water drainage plan by the State. The septic design has been town approved and State approved for a shoreland setback, as the Parson's Creek Estuary System is across the street from this property. (He pointed out the 150' shoreland setback at the front of the property.)

Referring to the pond to the rear of the property, Mr. Griffin stated that one of the questions is whether it is part of the contiguous larger than 1-acre wetland. Two soil scientists agree that it appears to be isolated. In that case, it would not require a 75' setback. (He pointed out the location of the 75' setback on the plan and noted that the house would be outside of that setback.)

Member Garvan asked the size of the pond.

Mr. Griffin replied the exact coverage has not been determined. The lot itself is a quarter of an acre at 10,850sf. The pond is roughly the same size. He noted that he reached out to Eben Lewis, NH DES, to have him look at the permits and survey work. Mr. Lewis wrote a letter back stating that he did not feel there was a requirement for a wetland permit based on the survey provided.

Chair McFarland confirmed that the Commission received Mr. Lewis' letter.

Vice-Chair King stated that the vernal pool has to be 1-acre in size to be recognized. However, the pond does not fall under that because it's not a vernal pool. It has been determined not to be one. She wanted to make this clarification.

Member Garvan asked about the setback to the septic system.

Mr. Griffin pointed out the location of the 100' setback, which the system is well out of. He also pointed out the 150' shoreland setback.

Member Shepcaro asked if the property is staked for the setbacks.

Mr. Griffin confirmed. He agreed to have the leachfield staked, as well.

There was some review of the trees that would need to be removed, which would be two about 90' into the property. There is also one tree that may be too close for the foundation; however, the intent is to save it if possible.

Brenden Walden, Gove Environmental, commented that most of the drainage for this lot goes towards the road. Any activity on the property is not going to be directing stormwater towards the pond. It seems that Mr. Griffin is taking action to be sure that any stormwater that leaves the

roof of the house is being managed as soon as it hits the ground. He continued that the pond isn't a viable vernal pool habitat. The only area that could potentially be a vernal pool is just to the left; however, it wasn't surveyed for any activity since it is off property. He noted it is a shallow depression that is well over 100ft from the property line. The pond is less than an acre in size. There is also a manmade walkway that separates the pond from the potential vernal pool. It looks like it was made to access a cemetery on the adjacent lot to the rear.

Hearing no further questions from the Commission, Chair McFarland opened to the public for comments.

Referring to the survey plan, **Vikki Howard, 261 Brackett Road**, expressed her concern about the location of the 75' freshwater setback in relation to the proposed leachfield in the front. She also expressed her thoughts on the pond being a vernal pool, as she took photos of salamander eggs in that pond. She noted that the addition of a 2700sf structure, squeezed between the existing homes, will affect the habitat. She spoke about the impacts to the wildlife, due to the construction and addition of another building in the fragile environment. She also questions whether there are vernal pools in the freshwater marsh that is directly across from the lot, which would cause the setback to go from 75' to 100'. She also questions what affect a 2700sf structure and septic would have on the Parson's Watershed. She hopes to discuss more concerns with the Conservation Commission as they review this lot.

Karen Rolecek, 233 Brackett Road, expressed her concerns about the measurement of the 75' freshwater setback, as shown on the survey.

Mark Epply, 267 Brackett Road, spoke about the flooding in this area at the road. He noted that there is a catch basin right at the road, which drains into the Parson's Creek Watershed. He asked if the State has already approved the shoreland setbacks.

Mr. Griffin confirmed. He also confirmed the catch basin is 36' to the leachfield.

Mr. Epply commented that any failure of the septic system will go right into the catch basin and into the marsh. He asked if this is a Conservation Commission issue. Chair McFarland explained the Commission is a recommending board. This is something that she will have to research.

Jeff Gardner, 6 Brackett Road, asked the Town's assessment of the property.

It was noted that the assessment is \$19,000.

Mr. Gardner commented that this does not sound like an assessment for a buildable lot in Rye.

Ms. Howard stated the permit that was approved was the shoreland setback permit. According to the letter from Eben Lewis, a review of the materials found that a wetlands permit is not necessary based on the setbacks from the wetland's delineation study. Ms. Howard commented that she questions whether those are correct.

Mr. Walden explained that a wetlands permit is only required if there is a direct impact to a wetland area. The proposal does not impact the wetland directly.

Ms. Howard noted that she is speaking about the wetlands across the street from the septic system. She is not worried about the pond so much. She does not feel the freshwater setbacks are correct.

Mr. Griffin stated that he can reach out to Jones and Beach Engineers to understand how the setbacks were established.

Chair McFarland suggested a Jones and Beach representative to be present at the site walk.

Brenden Walden confirmed that he will also be available for the site walk.

It was noted that Marc Jacobs was the secondary soil scientist who rendered an opinion in regards to the wetlands.

- **Site walk scheduled for Tuesday, April 8th, 4:15 p.m.**

D. 24 Maple Ave, Tax Map 052, Lot 036

Owners: Joseph and Mary Jo Smith
Shed

Joseph Smith, applicant, presented the proposal for a 12'x18' shed, which will be partially located within the wetlands buffer. The proposed location is an area where no trees need to be taken down for the shed. There is another shed on the abutting property, which is behind the proposed location, so it would not be as obtrusive as somewhere else. (He presented photos of the area showing the location.)

Member Shepcaro asked if the shed could be moved out of the buffer a bit.

Mr. Smith replied they may be able to turn the shed a bit. The shed is located where they thought it would look best. He noted that the shed would be on cement blocks.

Chair McFarland asked what would be going in the shed.

Mr. Smith replied it will mostly be outdoor furniture, rakes and shovels.

The applicants agreed to stake out the proposed location for the shed for the site walk.

- **Site walk scheduled for Thursday, April 15th, 4:00 p.m.**

E. 64 Causeway, Tax Map 02, Lot 80

Owners: Vincent and Linda Carbone
Bob Gray Construction – Chuck White
John Chagnon – Ambit Engineering
Shed and patio

John Chagnon, representing the applicants, presented to the Commission. The proposal is for an 8'x10' shed and a 10'x12' pervious paver patio immediately behind the main living portion of the house. The proposal will be going before the Rye Beach Village District ZBA for some

relief. The patio would be pervious pavers with the associated underneath base materials to allow the water to soak in. Before the shed is set in place, the area will be prepped with stones to allow for infiltration under the roof canopy of the shed. There will not be any impact to the resource or drainage area. A stormwater report has been submitted in the package to the Commission. There is also a picture of the shed and plan showing the location. Letters of support from abutters have been received.

Member Shepcaro asked if the shed is sitting on the rock base.

Mr. Chagnon explained that it sits on four sauna tube posts and is up in the air. The four posts will be the impact. The shed is about 6” to 8” off the ground.

Chair McFarland asked if there would be a ramp.

Vincent Carbone, applicant, explained that it would be a removable ramp. The shed is going to hold lawn equipment and a snowblower.

A drawing of the shed was presented on the screen for the Commission’s review.

- **Site walk scheduled for Thursday, April 15th, 4:30 p.m.**

F. 60 Causeway, Tax Map 02, Lot 79

Owner: Anthony and Sally Manfredi

Owner: Anthony Piccola

Bob Gray Construction

John Chagnon - Ambit Engineering

Attorney Tim Phoenix

Robbie Woodburn – Landscape Architect

JAD Design Group

John Chagnon, on behalf of the applicants, presented the proposal. He noted that the project will require zoning relief from the Rye Beach Village District (RBVD). The property has overlapping jurisdictions of buffer setbacks. There is an existing house on the lot, which is somewhat old and tired. The applicants are proposing a structure replacement. There is also a stone patio behind the house that juts out closer to the resource. There is a stone wall that represents the back boundary line, which abuts Farragut Marsh. (He pointed out the area that is tidally influenced on the plan and the freshwater adjacent marsh. He also pointed out the 100’ tidal buffer line.) He continued there will be no work in the 100’ tidal buffer line, except for the removal of a shed that is partially within the buffer. The Rye Beach Village District has a 100’ buffer line from the marsh line, so buffer relief is being requested. (Referring to the plan on the screen, Mr. Chagnon pointed out the existing 100’ buffer impact. He also pointed out the area in the Rye Beach Village District 50’ buffer, which is shown for purposes of calculation regarding lot coverage.) He stated the demolition plan shows the removal of all the structures on the lot. The driveway in the front is scheduled to stay. The driveway on the left side will be removed, along with the structures, patio area in the back and other features. (He presented a plan on the screen showing the RBVD impacts and setbacks.) The proposal also involves a porous patio in the back and a small pool area. There will be a retaining wall built to minimize grading impacts. The intent is to have a planting area to provide a vegetative edge. The driveway in the front will

remain but reconfigured so the garage can have a side entry. There is a walkway and porch in the front of the home. A brand new state-of-the-art septic system will be constructed in the side yard. He continued that the property is in the shoreland zone. Part of the application will include a shoreland application. (He reviewed the grading and utilities plan for the Commission. He also reviewed the plan showing the existing versus the proposed footprint.)

Member Oliver asked the difference in square footage.

Mr. Chagnon replied the main structure decreases from 4197sf to 4027sf. There is a minor decrease in the main structure. The shed will be removed, so that will be another decrease. There is a porch on the front which will add 567sf, as there is not a porch there now. The deck of 839sf off the existing structure will go away. The paved driveway gets a bit larger. The retaining walls and walkways are about the same. There is existing patio that goes away in favor of a porous patio.

Attorney Tim Phoenix pointed out the charts also had a comparison of the square footage that is within the buffer now versus what there will be.

Mr. Chagnon noted the proposed impact in the buffer is 1854sf versus the existing of 1667sf.

Attorney Phoenix stated that although it is a slight increase, the distances of the impervious structures are further away.

The Commission reviewed the plans presented on the screen.

- **Site walk scheduled for Thursday, April 15th, 5:00 p.m.**

IV. PENDING SITE WALK REVIEWS

A. 0 Fairhill, Tax Map 202, Lot 145, Ned Hogan

Chair McFarland noted that Donny Knowles, Knowles Tree Service, would like the Commission to visit the site and give their recommendations. He will take into account what the Commission suggests and do a proposal.

It was agreed that Suzanne McFarland, Susan Shepcaro and Karen Oliver would visit the site on April 9th at 11:00 a.m.

V. FARMER'S REPORT

Julia Jones and Taylor Weiss met with the Commission to give an update on the farming activities at Goss Farm for 2020.

- Roger Philbrick extended the field. He also lent the farmers a potato cutter machine, which was a great help.
- The tomato plants were extended in field, which did not do so well. The tomato plants in the greenhouse did well.

- Business was steady for 2020 and the gross sales matched 2019. The majority of the sales were in potatoes, tomatoes, kale and winter squash. Sales were made to Newfields General Store, The Carriage House and other markets in the area. Those clients were very supportive, even though their own business might have declined a bit due to the pandemic. The farmers are looking forward to selling to them again for this coming year. The intent is to also add more restaurant clients, as the economy continues to open up.
- The farmers experimented with growing sweet potatoes, which did well. More were ordered for the upcoming season.
- Irrigation maintenance and expansion for the field was addressed.
- A walk-in cooler was installed at the site to make it possible to harvest one day and deliver the next. The cooling system is energy efficient and will allow for the storage of potatoes, which allows for them to be harvested before the frost and sold over the fall months. The farmers thanked RCC and NRCS for being flexible and supporting the project. It was noted that the cooler was installed so it could be moved. With the barn being a historic structure, nothing was nailed into the barn. It is just a box resting inside the barn.

Ms. Jones and Ms. Weiss thanked Susan Shepcaro, Huck, Sarah and Wyatt for helping all season. Julia expressed their gratitude to Member Shepcaro for her help with watering this past season, as it played a huge role in their success. They also thanked all of the commission members for their support.

Vice-Chair King commented that they have illustrated why an improved irrigation system is needed. She and Tracy Degnan have been working on a contract with Julia and Taylor to define what is going to happen this year. It is a really great community effort and RCC appreciates the hard work.

Ms. Jones commented that they are looking forward to the projects laid out in the contract; such as, updates to the greenhouse and irrigation work for the blueberries.

Vice-Chair King noted that the contract is a public document. It will be made available to the Commission and anyone who is interested.

The farmers gave a brief summary of their background:

Taylor Weiss currently works for James Verra Surveying in Newington. She grew up in Ohio and studied farming in college. She found her way to New England in 2008. She has taught farming to students from pre-k to twelfth grade. She also farmed on several farms in western Massachusetts and a few in New Hampshire before finding an ad for someone to farm at Goss Farm.

Julia Jones grew up working at Spring Ledge Farm in New London, NH. She met Taylor when she was working as a wholesale manager for the Kitchen Garden Farm in western Massachusetts, which is a medium scale organic vegetable operation. She received her master's degree in agricultural economics from U.N.H. and Department of Natural Resources. She has experience working for U.N.H. Cooperative Extension. She currently works for a startup in Maine called

‘Maine Harvest Federal Credit Union’, which is the first federally insured financial institution that provides financing for farmers and food producers throughout the State of Maine.

VI. OTHER BUSINESS

A. Goss Farm function September 17-18

Dania Seiglie and Janet Davis met with the Commission to give an update on the Goss Farm fundraising event being held on September 18th. The date has been confirmed by the Select Board. The committee who is putting the event together are approaching vendors through the direction of Nina Parrott. They are having great success working with Sally King on what has been done previously and what the committee can expect. The committee is also working very closely with Lee Arthur, Recreation Director, and Becky Bergeron, Town Administrator. A written report of the committee’s work will be submitted to the Commission.

Projects being considered for funding from the proceeds include:

- ❖ **Trenching for new water with spigots for farm and community plots.**
- ❖ **Repairing the well for safety and an additional water source.**
- ❖ **A new covering for the greenhouse and hoop house.**
- ❖ **Replace the apple trees in the heritage apple orchid.**

There was some discussion on insurance and permit responsibilities. It was agreed that Dania Seiglie, Janet Davis, Sally King and Suzanne McFarland should set up a meeting with Becky Bergeron to get clarification on the roles of the RCC and the Town.

Sponsorships received thus far:

- ❖ **\$10,000 from Tate and Foss**
- ❖ **\$2,500 from Bournival Jeep**
- ❖ **In discussions with Piscataqua Landscaping about a cash donation, in addition to the tree donation.**

It was noted that anything that is going to be physically planted on the farm, such as the apple trees, will need to be confirmed by the easement holder that it is allowed, as the intent is to continue the heritage of the farm.

There was some discussion on how bids are handled for work done at the Goss Farm. There was also some discussion on the process the committee is following for finding sponsors.

Ms. Seiglie and Ms. Davis agreed to keep RCC updated.

B. Timber Trespass

Member Garvan stated that they were made aware that on March 26th and 27th someone had gone onto conservation property and cut 18 trees. They also limbed up a significant number of other trees. He continued there is a Timber Trespass Law in N.H., RSA 227-J:8 which states; ***“No person shall negligently cut, fell, destroy, injure, or carry away any tree, timber, log,***

wood, pole, underwood, or bark which is on the land of another person, or aid in such actions without the permission of that person or the person's agent”.

Member Garvan pointed out there has been timber trespass in the past. At that time, the Commission’s resolution with the landowner was to replace the same number of trees that they had cut. He would like to hear from the person who did the cutting before making further recommendations.

Steven Gray, 550 Washington Road, stated that he joined the meeting to apologize to the Commission. His intentions were good, but in retrospect he acknowledges poor judgement in this case.

Member Garvan noted that Mr. Gray had mentioned that he would be amenable to replanting the live trees that were cut. The Commission also uses firewood as a fundraiser. He thinks it would be appropriate if the wood that was cut is returned. Also, the piles of limbs and debris should be removed from the conservation parcel.

Mr. Gray agreed to those conditions. The Commission also felt the conditions were reasonable. RCC will also go out for a site walk to review the cut areas and the fence that has been put up that seems to be on conservation land (an issue not related to the tree cutting).

Mark Josephs, 540 Washington Road, commented that he was amazed that this was done because it was not the right thing to do. However, it seems that Steve is doing the right thing and people make mistakes.

Katharine Brown, 541 Washington Road, commented that she had walked the site and it was a very deliberative action.

- **Site walk scheduled for Tuesday, April 13th, 2:15 p.m.**

C. Continued Trail Work

Chair McFarland reported that Whitehorse has been completed. Brown Lane Farm has also been completed.

Referring to the Town Forest, Member Garvan stated that as part of the Forest Management Plan, the Commission had decided to close the red trail. He and Member Shepcaro went out to the forest and put tape and brush across it. The red trail has been purposely closed and retired. There is another unauthorized trail that was closed, in order to prevent additional trails created by people. He pointed out that this has seemed to work pretty well and they haven’t seen much use. He continued that last August, the Commission decided to close the green trail to unleashed dogs during the wildlife nesting season from March 15th to July 15th. Signs were put up at the three entrances to the green trail that are identical to the Fish and Game signs that are used on their wildlife management area. He reached out to both Chief Walsh and Animal Control Officer McGrath to let them know that signs are in place, as they are in charge of the enforcement. ACO McGrath felt it would be clearer to people if the existing signs that say “leashes required beyond this point” were also put up, so that was done. Now it is a matter of enforcement and educating

the public. There was an article in the Rye Civic Newsletter telling people about this new leash policy, during the nesting season, to protect wildlife inside the green trail, which is a 60-acre area that the Commission is consciously managing to help the wildlife thrive.

Referring to Shawn Joyce's letter, Member Garvan stated that Mr. Joyce has a concern that an unauthorized trail on the Varrell Woods side has been created somewhat near the marsh that joins the green trail further down. He, Susan Shepcaro and Sally King closed off the trail with brush. Member Garvan noted that they have a lot of projects to do, all of which have been listed and numerated in the Forest Management Plan. Member Garvan also noted that all correspondence that Mr. Joyce and Mr. Tilton have sent will be appended to the minutes for public review. All members of the Commission have received the correspondence, along with the Select Board with reference to the Fish and Game Publication 'Trails, People and Wildlife'.

Referring to the trails in the Town Forest, Member Shepcaro stated that they will be repainting the entire scheme of the trail blazes now that it is getting warmer. In some cases, the colors will change, as the plan was a bit confusing before and Charlie Moreno has made some revisions. She continued that they have bog bridges to build and stepping stones. That will be the focus very shortly. She noted that Doug Nelson is ready to do some work, bog bridge wise, whenever they are ready. She commented that she is excited about getting that going. She is also excited about the Wildlife Habitat Protection Area.

Member Garvan pointed out that the national parks, national forests and state parks have all had problems with unauthorized trails. There has been a lot of use, partially due to the pandemic, and people are just going where they want to go. With the unauthorized trail that Mr. Joyce is concerned about, it looks like people are coming from the east and entering the Town Forest that way. Hopefully everyone will get the message that all these barriers mean that the trail is closed and they need to enter somewhere else.

Member Shepcaro commented that if it gets muddy on the yellow trail and green trail in certain areas, she thinks they should close to bikes because they are so hard on the soils. She would like to be able to do that, if necessary, unless the Commission has an issue with that.

Vice-Chair King pointed out that electric bikes are now going into the woods. That will be something that will have to be dealt with. The electric bikes move very quickly, so they are dangerous to walkers and they dig up the trails.

Member Shepcaro stated it is also dangerous to the cyclist because this is not a mountain biking park. There are rocks in a lot of places.

Vice-Chair King noted the Conservation Commission is the manager of the Town Forest. There is an easement holder, Rockingham County Conservation District (RCCD), who they work with very closely. The Commission has the ability to change trails with a management plan over time, as is seen fit. They have to be cognizant of the fact that between park and wildlife, the Forest has a lot of use. The Commission works very hard to manage the Forest responsibly and will continue to do so.

D. Beaver issue- Whitehorse and Brown Lane Farm

Chair McFarland noted that beavers are coming right up to the road at Whitehorse and taking trees down. There are also beavers at Brown Lane Farm and they are continually stopping up grates and culverts. The Commission will need to have a discussion about how to manage this in the future.

It was agreed that professional guidance is needed.

E. Green Grass Clean Water seminar May 3, 2021 6:30pm With Julia Peterson, U.N.H. Cooperative Extension

- Lawn fertilizer use information and guidance for residents

F. Sea Glass Lane restoration project moving forward

Chair McFarland noted that she, Susan Shepcaro and Sally King met with Ed Hayes, John O'Neill and Christian Smith, from Beals and Associates, about the Sea Glass Lane sawdust. Mr. Smith has a plan and will be sending it to her in writing. The work should happen around May 1st. She also contacted Green Penguin Landscaping in regards to the boulders that will be marking the right side of the path leading to the conservation area. This will be done by May 1st. The homeowner's association has been notified and updated.

G. ZBA Meeting Update

Member Garvan reported that the ZBA denied the appeal for 2 Merrymeeting Lane, which was before the Board at their April 7th meeting. The ZBA approved the project for 16 Wentworth Road, as presented. They also approved the stairs proposed for 1617 Ocean Boulevard.

VII. CORRESPONDENCE

The following correspondence was noted:

- A. NHDES Permit #2018-02549 for Scott Taylor at 1090 Old Ocean Blvd. Rye, NH;**
Riverside Marine Construction, Inc., shall begin construction on the rip rap stabilization project on 4/25/2021.
- B. NHDES Wetlands Bureau File 2020-01102, 941 Ocean Blvd., Rye Tax Map 20.2 Lot 141 (amended)**

VIII. BILLS

- \$2,500 FB Environmental
- \$67.50 BCM Environmental Land and Law #4872
- \$45.00 BCM Environmental Land and Law #4774
- \$163.00 Rye Water – Goss Farm

**Motion by Susan Shepcaro to pay all bills, as listed on the agenda. Seconded by Mike Garvan.
Roll Call: Suzanne McFarland – Aye; Mike Garvan – Aye; Susan Shepcaro – Aye;
Heather Reed – Aye; Sally King – Aye; Karen Oliver – Aye
Motion passed**

**IX. Non-Public Session (1) per RSA 91-A:3, II (d) Acquisition
(2) per RSA 91-A:3, II (e) Legal**

**At 10:15 p.m., Karen Oliver made a motion to go into non-public session per RSA 91-A:3,
II (d) Acquisition and RSA 91-A:3, II (e) Legal. Seconded by Mike Garvan.**

**Roll Call: Suzanne McFarland – Aye; Mike Garvan – Aye; Susan Shepcaro – Aye;
Heather Reed – Aye; Sally King – Aye; Karen Oliver – Aye**

The Commission came out of non-public session at 10:28 p.m.

**Motion by Susan Shepcaro to seal the minutes of the non-public session just held.
Seconded by Mike Garvan.**

**Roll Call: Suzanne McFarland – Aye; Mike Garvan – Aye; Susan Shepcaro – Aye;
Heather Reed – Aye; Sally King – Aye; Karen Oliver – Aye**

ADJOURNMENT

Motion by Karen Oliver to adjourn at 10:29 p.m. Seconded by Susan Shepcaro.

**Roll Call: Suzanne McFarland – Aye; Mike Garvan – Aye; Susan Shepcaro – Aye;
Heather Reed – Aye; Sally King – Aye; Karen Oliver – Aye**

Respectfully Submitted,
Dyana F. Ledger