

RYE CONSERVATION COMMISSION
Thursday, June 10, 2021
6:30 p.m. – Rye Public Library

Members Present: Chair Suzanne McFarland, Vice-Chair Sally King, Mike Garvan, Susan Shepcaro, Jaci Grote, Danna Truslow, Karen Oliver and Heather Reed (joined the meeting at 8:10 p.m.)

I. CALL TO ORDER

Suzanne McFarland called the meeting to order at 6:30 p.m. and waived the Pledge of Allegiance.

Alternate Karen Oliver was seated for Heather Reed.

II. APPROVAL OF MINUTES

- **May 13, 2021**

Motion by Mike Garvan to approve the minutes of May 13, 2021 as amended. Seconded by Susan Shepcaro. All in favor.

III. WETLANDS

- A. 0 Merrymeeting Lane, Tax Map 15, Lot 18**
Owner: Denise and Craig Benson
New submittal

A new submittal was presented by Bob Baskerville for Bedford Design Consultants, Robbi Woodburn, Woodburn and Company, and Attorney Monica Keiser, Hoefle, Phoenix, Gormley and Roberts.

Robert Baskerville of Bedford Design Consultants presented a new plan. In the new home proposal, the edge of driveway is 25' from the wetlands; the house is 30' from the wetlands; the wetlands are 28' to the soffit of the house and the generator is 19' from the wetlands. The entire building is located within the 100' buffer required by Berry's Brook. The square footage of the home will be 3,840 s.f. of living space. A total of 73 trees will be cut down. Mr. Baskerville noted that the building is 14' smaller, the sidewalk and driveway are pervious, and the drip edge will handle roof runoff. The house and deck will be the only impervious surfaces, so there will be 2.6% impervious surfaces. The development covenant requires a minimum of 3,200 s.f. of living space. The septic will be an AOS advanced treatment system and will be sited 17' from the front setback.

Robbi Woodburn spoke about the revised landscape plan, but the Conservation Commission had not received a copy of it in the application package.

Member Shepcaro emphasized that the plantings be native species, since the entire project is in the wetland buffer.

Attorney Monica Kieser, from Hoefle, Phoenix, Gormley and Roberts, answered questions.

Chair McFarland noted that Rye does not have prime wetlands designations (A and B Wetlands). The 1986 wetland line is old and the new wetland delineation closer to the road is current wetland delineation. She also stated the RCC has received the legal opinion from Attorney Amy Manzelli that a lot of record in Rye does not mean it is necessarily buildable or developable land.

Attorney Kieser said she cannot comment on a legal opinion she had not seen.

- **Site Walk scheduled for June 16th, 4:00 p.m.**

- B. 1627 Ocean Blvd.,** Tax Map 13, Lot 23
Owners: Paula Parrish and Mario Ponte
Ross Engineering, Alex Ross
Removal of existing structure, rebuild

Alex Ross, Ross Engineering, presented the site plan to the Commission for a teardown and rebuild on the property located at 1627 Ocean Boulevard. It was noted that the existing home is 18' to the wetlands and the proposed home will be 31'. The deck is proposed at 25' to the wetlands.

Tom Emerson, Architect, presented the architectural design plans. The existing house is a multi-family home with three units and six bedrooms. The house was built in 1973. It is settling and the septic is in eminent danger. The existing home does not have a garage and the applicants intend to live here fulltime, including the winter months. The proposed home will be lifted up over the base flood zone, but the lower floor will be kept at 11' to meet the grade of the roadway. The lower floor will be used for the garage, storage and access to the second floor with a third story on top of that. He noted the zoning setbacks are being met, both front and rear. Impervious surface is being reduced, which will be compliant with zoning. The proposed home is also compliant with building area. One of the two driveway entrances/exits off Ocean Blvd will be removed. He pointed out that the proposed house will sit on a full foundation, but will have flood vents.

The Commission reviewed the plans. They also received the landscape plan, which Mr. Ross submitted and reviewed for the Commission.

- **Site Walk scheduled for June 16th, 4:45 p.m.**

C. 0 Brackett Road, Tax Map 19, Lot 96
Chris Griffin - applicant
Beach & Jones Engineering/TF Moran

Chris Griffin, applicant, explained that he is under contract to purchase the property at 0 Brackett Road. When he went under contract, he received town and state approved septic designs for the property. It has been found that there are some flaws in the wetland delineation towards the marsh. Referring to the pond to the rear, he stated that they have looked at whether it is a vernal pool or an extension of a greater wetlands. The design treats it as though it is part of a greater wetlands, so it respects a setback off the pond. The 2018 wetlands survey was found to be flawed. The wetland boundary is very generalized. There was a reassessment in May by multiple parties and the boundary is now more accurately represented on the plan with a 75' buffer, as the drawings that were originally supplied were not correct. He noted this is really the only change in the plans that were submitted to the Commission. Taking the boundary changes into account, the construction will require a special exception for the driveway to pass through the buffer. A variance will also be needed for the fill required outside of the leachfield for the grade. However, the leachfield and tank are outside the buffer and do not require relief. The project will be going before the Zoning Board at their next meeting on July 7th.

The Commission reviewed the revised plans showing the 75' and 100' buffers.

Mr. Griffin pointed out that the grade slope is the shortest possible; 2 to 1 slope. While it makes sense that less fill is better, it would seem that a slighter more natural grade is probably more permeable than a steeper grade. He would like advice from the Commission in regards to this issue.

After some questions from the Commission were answered, Chair McFarland opened to the public for questions.

Gail Day, 29 Morgan Court, asked about the 100' buffer. She also asked if the leachfield is in the buffer.

Chair McFarland noted there is a line that represents the town's 75' freshwater setback. Above that line is the 100' setback. The grading for the leachfield will be within the buffer, not the leachfield itself.

Member Grote stated that the new septic system design is an improvement over the old one. The original design has the system within the buffer.

Chair McFarland explained this is a smaller system and a different buffer.

Mr. Griffin explained it is an improved system with a two chambered tank, which reduces the nitrates. The off-flow from that into the leachfield is much cleaner. The system is considerably smaller than the first version by about half the size.

Member Shepcaro stated that she thinks the 3 to 1 slope is much better than 2 to 1, so it is a gentler slope. She asked Mr. Griffin if he would be willing to aggressively plant native species.

Mr. Griffin confirmed. He commented that recommendations have been to plant juniper and wildflowers.

Member Grote stated that without a planting plan, it is hard to envision what the plantings would look like and what they would be, which is important for filtration and to prevent erosion on that slope. She thinks this is something the Commission should have. She continued that she thinks the more gradual slope is better. She asked if the disturbance in the buffer, which is shown on the plan, is based on 3 to 1 or 2 to 1.

Mr. Griffin replied 3 to 1. This would be the worst-case scenario, so that is the one he wanted to illustrate on the plans. He commented that roughly ten yards of fill would be needed.

Member Grote asked the length of the driveway.

Mr. Griffin replied 30' long and 12' long at its narrowest point to 20' where it widens out slightly.

Member Truslow suggested there be a stipulation that there be plantings.

Member Shepcaro suggested a planting plan to be pre-approved by the Commission before planting.

Member Garvan asked the square footage of the driveway in the buffer.

Mr. Griffin replied it is about 424sf.

Vikki Howard, 261 Brackett Road, asked if there is any concern about the catch basin being basically in the apron of the driveway. When she did measurements, it seemed to be in that area. The water from that catch basin goes directly into the marshland. The cars are going to be parked in a pervious driveway. Also, guests will be parking across the street right on conservation land.

Mr. Griffin noted the house will have a two-car garage that vehicles will be parked in.

Chair McFarland pointed out that the side of the pavement of the road is part of the right-of-way for the Town, so it is technically not conservation land. She does not have experience with catch basins.

Member Truslow commented that DPW has to approve driveways, so they may have something to say at that point about the catch basin.

Member Garvan asked the square footage of the lot.

Mr. Griffin replied 10,850sf.

Chair McFarland stated that it is not in the Conservation Commission's purview. However, speaking personally, if 10,000sf lots get developed in Rye, she has some trepidation for the lot lines and the environment.

Member Grote suggested that be put into the recommendation letter, as it is a concern.

Member Oliver stated that it seems this is "shoehorning" into this small lot in a sensitive area. However, in looking at the setbacks and what is proposed, it doesn't seem to be much encroachment. The things that are being asked environmentally, in terms of the setbacks, are not huge.

Member Grote stated that based on the Town's requirements, the proposal is as thoughtful of a design as possible. She thinks the ZBA is really going to have to decide.

Chair McFarland asked the Commission if they were in agreement that it is a small lot and there are environmental concerns, in general for 10,000sf lots.

Member Truslow commented that for what the Commission is asked to look at, there is very little. She thinks the size of the lot is really not their concern.

Member Oliver stated that before the wetlands were delineated, relief was not needed from the Zoning Board. Now that the wetlands lines are put where a number of experts believe it is, what the applicant wants to do with the lot conflicts with those boundaries.

Ms. Day pointed out there are oak trees and a lot of large trees on the lot that could be affected.

Chair McFarland commented this was mentioned at the site walk and Mr. Griffin noted that he was trying to protect them.

Mr. Griffin stated it is certainly within his interest to not disturb roots as much as possible. A gravel driveway is at least pervious and will allow the water to drain.

Member Garvan will form a recommendation letter from the Conservation Commission. The letter will be sent to Planning/Zoning Administrator Kim Reed, on behalf of the ZBA. Copies will also be sent to the applicant's engineers.

IV. PENDING SITE WALK AND REVIEW

A. Tree – 60 Causeway

Member Reed noted that she spoke with the owner at 60 Causeway about a tree that had fallen on his house. There are also two trees behind the house that are dead. She visited the site to confirm and let the homeowner know that it was okay to cut the trees. The owner has said that they are going to replace those trees with other trees.

Chair McFarland asked Sally King about the tree at Rand Conservation Land.

Vice-Chair King replied that she has not had a chance to take a look. From the photo, it looks like something that can be cut, so her husband is going to take care of it.

Member Garvan noted that he and Sally did a site walk on a property where a tree came down and just grazed the house. They gave the homeowners permission to take the tree down.

V. OTHER BUSINESS

a. Goss Farm Well

Member Truslow stated that at the last meeting, they talked about the proposal from Epping Well and Pump to test the well at Goss Farm, to see if it can be used on a long-term basis, to replace the town water supply for irrigation. The proposal has been returned to them and they are supposed to get back to her. She is hoping the testing can happen in the next few weeks.

Member Shepcaro stated they have a contract with a mason to rebuild, with stone that is on the property already, a traditional stone well, so that will not be a hazard. DPW has moved some stones around the area because the well cover is broken. Currently, it is protected until the mason can come in at some point.

b. Goss Farm Fall Fair

Vice-Chair King noted that the fair is moving along. The people putting this together (GFF), are very involved and are active in getting great sponsors. They are really behind the whole idea of funding the well project for irrigation and the heirloom apple trees being replanted.

Chair McFarland stated that GFF wants Conservation to consider buying Goss Farm canvas bags for \$9.15 and selling them for \$15.00. The bags could be ready for the fall fair and would be a really good seller. The minimum order is 100 bags and funds are available in the Goss Farm account to buy them.

Vice-Chair King pointed out that Dania Seigle paid a young artist for the design, as her contribution to the project. Vice-Chair King stated she is very frugal with the Goss Farm funds

because she knows what it took to earn the money. She thinks this would be a great expenditure from those funds.

Motion by Jaci Grote to spend the money to buy 100 bags to sell at the Goss Farm Fall Fair. Seconded by Suzanne McFarland.

Chair McFarland explained that all the money that is raised at the fair is designated to go into the Goss Farm Escrow Account. If the three projects are completed and there are funds left over, the money will stay in the account for future Goss Farm projects.

All were in favor of the motion.

- *Goss Farm Fall Fair is being held on September 18th.*

c. Brown Lane Farm pedestrian bridge

Chair McFarland noted that Kevin Lucey, from NH DES, sent some site-specific information. This information was given to Danna Truslow to review. She also spoke with Rye Water District Superintendent Arik Jones. He said they really don't think they are going to use that access point for well access. They will be going in off South Road, if they even do a well on Brown Lane Farm land. She asked if anyone would be willing to be a point person on this project.

Member Reed agreed to be the point person.

d. Sawdust – Sea Glass Lane

Chair McFarland reported that the loam has been completed and it has been seeded. Vice-Chair King commented that the residents are happy.

e. Town Forest markings

Member Shepcaro noted that she and Member Reed marked the white trail. They will be continuing the trail marking through the forest.

f. NRI Committee – Natural Resource Inventory

Chair McFarland reported that the NRI Committee is back to work. The first work session was held on June 7th with review of the first draft. The Committee is meeting with FB Environmental on June 16th to go over edits and changes.

g. Brown Lane Farm – No Hunting Signs

Patricia Brown had requested there be no hunting on the Brown Lane Farm. This was agreed upon by the Commission, as part of the acquisition. Member Garvan agreed to post “no hunting” signs at the entrances to the land.

VI. CORRESPONDENCE

- a. Statutory Permit by Notification from Andrew O’Sullivan Wetlands Program Manager at DOT-Bureau of Environment, Ocean Blvd/Rte 1A replacement of concrete catch basins
- b. Expedited Minimum Impact Wetlands Permit from Dave Burdick, eelgrass habitat suitability model for eelgrass restoration
- c. Standard Dredge and Fill Wetlands Permit from Andrew O’Sullivan Wetlands Program Manager at DOT Bureau of Environment, culvert replacement and removal to improve hydrologic connection and decrease erosion along the west side of Ocean Blvd/Rte 1A
- d. 80 Locke Road, Tax Map 08, Lot 34, NHDES-PERMIT_SHORE-2021205818
- e. 80 Causeway Road, Tax Map 02, Lot 80, PERMIT_WETLAND-2021206052 and 80 Causeway Road, Tax Map 02, Lot 80, APPROVLTR_WETMAJOR-2021206051
- f. SELT Newsletter was received – NPR wrote a small article on municipalities, naming Rye as one, who are already concerned about the drought and water supply.
- g. Rye Conservation Commission has received the Legacy Award from the State of New Hampshire for their outstanding work in the community. The Commission was nominated for the award by Rockingham County Conservation District.

VII. BILLS

Motion by Jaci Grote to pay the following bills as listed:

- \$120 Rick Arling Construction – Goss Barn
- \$491.50 BCM Environmental and Land Law #5050
- \$67.50 BCM Environmental and Land Law #4420
- \$573.00 Alan Bucklin – work at the Goss Farm, mowing, rototilling
- \$93.36 reimburse Mike Garvan – forestry supplies, marking paint
- \$199.00 reimburse Mike Garvan – Alphagraphics sign
- \$330.00 BCM Environmental and Land Law #5258
- \$1,650.00 BCM Environmental and Land Law #5158
- \$25.00 BCM Environmental and Land Law #5256
- \$1,400.00 Cornerstone Tree Care – Odiorne

- \$133.14 reimburse Susan Shepcaro – dog waste bags

Seconded by Susan Shepcaro. All in favor.

- \$3,000.00 deposit – CNC Masonry – Goss Farm Well base

Motion by Jaci Grote to pay the deposit of \$3,000 to CNC Masonry (Cameron Gallant) for the Goss Farm well base. Seconded by Susan Shepcaro.

Vote: 7-0-1 Abstained: Suzanne McFarland

**VIII. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (d) Acquisition
(2) per RSA 91-A:3, II (e) Legal**

At 8:46 p.m., Jaci Grote made a motion to go into non-public session per RSA 91-A:3, II (d) Acquisition and (e) Legal. Seconded by Susan Shepcaro.

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

At 9:00 p.m., the Commission came out of non-public session.

ADJOURNMENT

Motion by Jaci Grote to adjourn at 9:01 p.m. Seconded by Susan Shepcaro. All in favor.

Respectfully Submitted,
Dyana F. Ledger