

RYE CONSERVATION COMMISSION

Thursday, July 8, 2021

6:30 p.m. – Rye Jr. High School Cafeteria

***Members Present:* Chair Suzanne McFarland, Vice-Chair Sally King, Mike Garvan, Susan Shepcaro, Danna Truslow, Heather Reed and Alternate Karen Oliver (arrived 7:36 p.m.)**

I. CALL TO ORDER

Suzanne McFarland called the meeting to order at 6:35 p.m. and waived the Pledge of Allegiance.

II. APPROVAL OF MINUTES

- June 10, 2021

Motion by Mike Garvan to add the following verbiage to the minutes of June 10, 2021 because the library streaming system was not functioning at the beginning of the meeting and didn't function until after the first applicant.

1. Chair McFarland called the meeting to order at 6:30 p.m.
2. Chair McFarland waived the Pledge of Allegiance and seated Alternate Karen Oliver to replace Member Heather Reed.
3. The minutes were approved with one correction from Susan Shepcaro.
4. Wetlands:
 - A. 0 Merrymeeting Lane, Tax Map 15, Lot 18
Owner: Craig Benson

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; such as, 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.

A site walk was scheduled for 4:00 p.m. on June 16, 2021.

**Motion to amend the minutes of June 10, 2021 as stated was seconded by Sally King.
All in favor.**

Note: *Minutes of June 10, 2021 were revised and reposted on the town's website to reflect the above addition to the minutes.*

III. WETLANDS

A. 705 Brackett Road, Tax Map 017, Lot 34-2

Owner: Joel Feid

Continuation of landscaping

Chair McFarland noted this is a continuation of the landscaping proposal. She has sent the Commission the tree removal and buffer restoration plan.

Joel Feid, property owner, presented the landscaping plan to the Commission. He noted that they are moving forward with removing Oaks or Maples in the front buffer. One is actually outside the 50' buffer line but is in the transition to the 75' buffer. The main reason is because a lot of plantings have been added to this area and the trees block the sunlight. The intent is to further restore and improve the property. To offset any trees that have been removed to date, four spruces of 7' to 10' tall have already been added to the area, along with another five Viburnum. He is open to adding additional trees and shrubs. He is happy to commit to a certain number to offset some of this removal. (He presented the Commission with a map of the property showing the trees that are being removed. He also submitted photos of the lot and the trees that have been added to date.) He pointed out that the intent is to also improve the stonewall at some point. However, at this time, he has finished to a certain location due to budget.

Vice-Chair King stated that in going by the property, it doesn't look like she thought it was going to look like. It is getting very "park" like. She pointed out that two trees have been cut in the far-right front of the property, fairly close to the road. Those trees have been cut since the Commission was there. The property is getting more "tidy" than natural looking. She is anxious to go back to see it again.

Mr. Feid stated that this was part of his intent. There were down trees and sticks. The property was messy and the stream was loaded with stuff. He has gone out of his way to clean up the property, without bringing machinery in to plant anything.

Chair McFarland passed around a copy of the original plan for the Commission to review.

- **Site Walk scheduled for Thursday, July 15th, 3:00 p.m.**

IV. PENDING SITE WALK AND REVIEW

A. 824 Ocean Blvd – Building Dept – CO

The Building Department has asked the Commission to return to 824 Ocean Blvd. to review the driveway and plantings, in order for a certification of occupancy to be issued. The redevelopment of the property is being done by Bob Gray Construction. The Town is no longer issuing temporary certificate of occupancies because it is a struggle to get people to finish their projects. Placing money in a bond until the work is completed has also been an issue.

- **Site Walk scheduled for Thursday, July 15th, 2:00 p.m.**

B. 588 Wallis Road – Mark West

The property abuts Marden Woods, which was surveyed by James Verra in the past two years. The front of this property is very wet and also abuts a very large wetland. Mr. Verra has agreed to flag the wetlands, the invasives, and what should be removed for the landscaper. It does not appear that machinery will be needed for the work. The new owner and Mark West, from West Environmental, have asked the Commission to visit the site.

- **Site Walk scheduled for Thursday, July 15th, 2:30 p.m.**

C. 200 Parsons – plantings

Chair McFarland noted that she believes the property owner has built stonewalls and added fill to plant trees, which she is not sure are natives.

- Site walk scheduled for Thursday, July 15th, 3:30 p.m.

D. 1311-1315 Ocean Blvd – plantings

Note: *Chair McFarland had recused herself from this application.*

There is a question as to whether this work has been completed. The Commission agreed to visit the site on the 15th, after speaking with Bob Gray who is the contractor for the project at 1311-1315 Ocean Blvd.

E. 797 Ocean Blvd

The property at 797 Ocean Blvd has been listed for sale. Chair McFarland has sent an email to the owners, Aaron Proulx and Jun Lee, requesting they not transfer title to a new owner until the work in the notice of decision has been completed. It seems the back of the property has been cleaned up and there is a row of new plantings. The Commission will need to keep an eye on the progress of the work for this property.

F. 5 Wildwood - Williams

The Commission was sent this proposal by the Building Department, which involves the removal of 42 trees. Chair McFarland has reached out to Shannon Alther, TMS Engineers, who is the contact person for the project at 5 Williams. The Commission agreed that a site walk is needed.

- **Site walk scheduled for Tuesday, July 20th, 3:00 p.m.**

G. 62 Elwyn - Murphy

The proposal for 62 Elwyn Ave was sent to the Commission by the Building Department, which involves the removal of trees. The Commission agreed that a site walk is needed.

- **Site walk scheduled for Tuesday, July 20th, 3:45 p.m.**

H. 385 Sagamore

The property owners had a requirement to install a dry well for the roof drain. Member Truslow requested that the Commission revisit the site to review that work. Vice-Chair King agreed to contact the owner to set up a site walk.

V. OTHER BUSINESS

A. Granite post installation – Sea Glass Lane

Vice-Chair King presented a photo showing the rocks lining the path to the conservation land at Sea Glass Lane. This was done to prevent the residents from mowing in this area. This was also done in an area to the rear where the residents were also mowing. Vice-Chair King and Member Shepcaro walked the parameter of the property. The steep slope, which is the condo association's buffer area, has been pollinated and has turned to clover. The granite posts will now be installed, so people will stop driving back in that area.

B. Steppingstones – Sea Glass Lane

There was some discussion about installing stepping stones to delineate the path at Sea Glass Lane. Member Shepcaro, Member Reed and Vice-Chair King will visit the site to determine an appropriate area to lay the stones.

C. Alternate Member

Motion by Mike Garvan to accept Jeff Gardner as an alternate to the Conservation Commission. Seconded by Susan Shepcaro. All in favor.

D. Well – Goss Farm

Chair McFarland noted that the mason went out to the property to look at the well this past April, as it was a hazard having a broken cover. At one point, there was some discussion about putting in a hand-pump to show the children what to do. At the same time, Vice-Chair King and Member Shepcaro were looking at a water source for a second line. There was discussion about the well that was being repaired becoming a water source also. This led to the testing that was done by Epping Well and Pump, which did not meet the muster on gallons per minute. At that point, the mason was asked to stop his work, until the Commission could discuss the issue.

Note: *Alternate Karen Oliver arrived at the meeting and was seated for Jaci Grote.*

Chair McFarland continued that in speaking with the Town, the hazard of the well still has to be repaired, but it can just be capped.

Vice-Chair King noted that the estimate, using the stones that were part of the Goss Farm home, was \$10,000. She is not sure \$10,000 is well spent on a well that is not viable. She suggested capping the well. The Goss Farm Fair is going to be held on September 18th. The whole purpose of that fair is to raise money for projects, like this well project. She does not think that the people who are organizing the fair would be interested in funding a non-usable well. One of the big things they were interested in was helping with water distribution. Vice-Chair King has spoken with Arik Jones from the Rye Water District. He has figured out a way, and is preparing an estimate, to have a second pipe off the water main hookup. Mr. Jones has measured out to the other garden, so it would be separate from the farmers. He has also confirmed that there is enough pressure. She feels this is the next best solution for the water. She commented that they could rent equipment and have volunteers do the work or possibly have DPW.

Member Truslow stated that when the existing well didn't work, she inquired about installing a drill well. The estimate for putting in a 300' well is \$5,645. The pump and tank would be \$8,000. That would give a total of \$13,645 for a dedicated well, which includes all the hardware and electrical hookups. She noted that it might not be in the exact same place as the existing well, but it would be put in a convenient location. It has to be far enough from things that could affect the water quality. However, there is no septic system on the property so this shouldn't be an issue. Member Truslow continued that she has looked at the water bills for the past couple of years and it was roughly \$1,000 per year for water. If the usage increases because of additional gardens or drought conditions, it could be \$1,200 per year for water charges. Over a long time period, it would be a 13 to 20 year payback, plus electricity costs.

The Commission discussed the idea of putting in a new bedrock well. Member Truslow will put together some more information on the well for the Commission to review. Vice-Chair King agreed to follow up with Arik Jones in regards to the estimate for another water line.

E. NRI

The Natural Resource Inventory project is moving along. Member Reed has been working on merging and editing the documents to be sent to the consultant who is preparing the final report. A meeting will be scheduled with the NRI Committee once the consultant receives the edited documents from Member Reed and has a chance to review them.

F. Pedestrian Bridge

Member Reed noted that she is reaching out to the Southeast Land Trust (SELT) regarding the removal of the beaver dam and putting in a pedestrian bridge. She will keep the Commission updated.

G. Surveys

Chair McFarland reported that Park Ridge/Pokorny has been monumented at the end, as it is being encroached upon. Jim Verra has completed this work and it is very well marked. She pointed out that there is still encroachment happening on the parcel. The Commission may need to involve Attorney Manzelli.

Chair McFarland also reported that the Jim Raynes Forest has been completed. Jim Verra is working on one more project for the lot line for the commercial parcel where Kook's is located. The Commission owns all four pieces of the conservation land along Route 1A. Until that lot line is marked, Tracy Degnan cannot go in to do the phragmites because it is not known exactly where it is right now.

Chair McFarland noted that she has received the final certified stamped survey for the 500 Washington Road property. She will be attending the Planning Board meeting on July 13th, as the lot line adjustment will be before the board for approval.

H. Town Forest

Member Garvan noted that July 15th is when the nesting period ends. He thinks they should leave the signs up that say "leash during the nesting period" because that serves as education year-round. He will put up the signs saying "leashes required", as there are still leash zones along the green trail.

VI. CORRESPONDENCE

Chair McFarland noted that correspondence is sent to the members as it is received. Most of the correspondence is from NH DES for permitting approvals.

Noted by Alternate Oliver:

- NH Association of Natural Resource Scientist will be holding a meeting on July 22nd, from 12:30 to 5:00, at the Canterbury Shaker Village. Bob Varney will be speaking about the future of environmental wetlands and protection in N.H.

VII. BILLS

- A. \$478.15** - Goss Farm mowing – Alan Bucklin
- B. \$124.61** - Ernst Seeds – Reimburse Susan Shepcaro
- C. \$1,692.00** - James Verra Surveying – Pokorny- Park Ridge
- D. \$1,025.55** - James Verra Surveying – Town Forest for RCCD easement
- E. \$2,2372.01** - James Verra Surveying – encumbered funds – Jim Raynes Forest
- F. \$750.00** - Epping Well & Pump – Goss Farm
- G. \$19.06** - Eversource – Goss Farm
- H. \$3026.50** - FB Environmental
- I. Knowles Tree Service** – beaver tree – Work was completed by Don Knowles as a donation to the Commission.

The Commission acknowledge the donation from Mr. Knowles. His work is greatly appreciated and a thank you letter will be sent.

Member Shepcaro noted that she spoke with the (Whitehorse) homeowner's association to let them know the tree is down. She suggested putting a sign on the Conservation Commission's land marking where the trail begins.

Chair McFarland commented that they also took a bobcat in the way the Commission walks the trail, so it looks more like a trail. Mr. Knowles also offered some planking so it will really look like a path.

Motion by Susan Shepcaro to pay all bills as discussed. Seconded by Heather Reed. All in favor.

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

At 8:08 p.m., Mike Garvan made motion to go into non-public session per RSA 91-A:3, II (e) Legal. Seconded by Sally King.

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

At 8:36 p.m., Mike Garvan made a motion to come out of non-public session. Seconded by Heather Reed.

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

(Danna Truslow not present for vote)

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

Roll Call: Karen Oliver – Aye; Susan Shepcaro – Aye; Suzanne McFarland – Aye;

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

(Danna Truslow not present for vote)

ADJOURNMENT

Motion by Karen Oliver to adjourn at 8:37 p.m. Seconded by Heather Reed.

All in favor.

Respectfully Submitted,
Dyana F. Ledger