

RYE CONSERVATION COMMISSION
Thursday, December 9, 2021
6:30 p.m. – Rye Public Library

Members Present: Chair Suzanne McFarland, Mike Garvan, Susan Shepcaro, Jeff Gardner and Heather Reed (arrived at 6:43pm)

I. CALL TO ORDER

Chair McFarland called the meeting to order at 6:33 p.m.

II. SEATING OF ALTERNATES

Jeff Gardner was seated for the meeting.

III. APPROVAL OF MINUTES – November 15th

The following corrections were noted:

- Page 4, 4th line should read: **The bed will be raised up and will meet all the required setbacks for seasonal high water and wetlands.**
- Page 5, 2nd paragraph from bottom it should be clarified: **The fence would go from the corner of the building. It would consist of a 5' wide gate and it would run to the stone wall 1' in from the property line.**
- Page 9, 1st paragraph, 2nd sentence should read: **Theirs is one of three colonies on the Seacoast.**
- Page 9, 1st paragraph, 4th sentence from bottom should read: **She said that the colony in the Goss Barn is probably one of the biggest colonies in the State.**
- Page 9, 1st paragraph, 3rd sentence from bottom should read: **She suggested working with the Cavanaghs to create a trial.**

**Motion by Mike Garvan to approve the minutes of November 15, 2021 as amended.
Seconded by Susan Shepcaro. All in favor.**

IV. WETLANDS

A. 4 Breakers Road, Tax Map 8.4, Lot 68

Owners: Domenic and Phyllis Martignetti
Deck within the wetlands buffer

Domenic Martignetti, applicant, spoke to the Commission in regards to his deck within the wetlands buffer. He explained that he constructed a deck about 12" high off the ground, as the

area is heavily rooted with tree roots and it was hard to maintain the area. He didn't think permits were needed for the deck. The deck is about 80% complete. He is asking for forgiveness for being so close to the property line and the wetlands. Ambit Engineering has been hired to survey the land and determine the wetland delineation. He will be going before the ZBA for a variance for being so close to the property line and within the wetland buffer.

Chair McFarland asked if the shed is existing.

Mr. Martignetti confirmed.

Member Gardner asked if Ambit has determined the size of the wetland.

Mr. Martignetti replied it wasn't very clear. The wetland is very small.

Member Gardner explained there is a minimum wetland size where buffers come into effect. His guess is that the wetland is smaller than that.

Chair McFarland noted that Steve Riker marked the freshwater wetlands and buffers.

Speaking to Mr. Martignetti, Member Gardner suggested that he ask Ambit the size of the wetland. If it's a smaller wetland, the buffer doesn't apply. The setback from the property line would still be a ZBA issue.

Chair McFarland noted that Steve Riker is saying in his report that it's part of a system that is seasonally flooded or saturated.

It was agreed that Chair McFarland should follow up with Steve Riker and the building department to see if this is a jurisdictional wetland. She will contact Mr. Martignetti to set up a site walk if the Commission needs to visit the property.

B. 50 Brackett Road, Tax Map 22, Lot 091

Owner: Victory Marvin and Conrad Bastable
Generator

Victory Marvin, applicant, spoke to the Commission in regards to the installation of a freestanding generator. She noted that the generator company picked the site for the generator. Once the application was submitted for the generator permit, the Building Inspector noted that the generator was within the wetland buffer. She believes that the generator is between 30' to 40' from the wetland. They are seeking a variance for the location of the generator. She commented that in looking at other areas around the house for possible locations, it will probably be within the buffer wherever it is located, given the location of the house.

Member Gardner stated that he visited the site and met with the property owners. It's a typical generator in the buffer zone and doesn't seem to be a huge impact.

The Commission agreed to hold a site walk.

- **Site walk scheduled for Tuesday, December 14th, 1:15 p.m.**

C. 15 Patriots Way, Tax Map 018, Lot 105

Owner: Jay and Stacy Krecklow

Tear down sunroom and deck rebuild a new deck

Jay Krecklow, applicant, explained that he and his wife purchased the property in August. They have been renovating the home and have not yet moved in. The layout of the house is remaining the same. In 2000, there was an addition of a sunroom and deck, which is not in good shape. The proposal is to remove the sunroom and deck, which totals 832 sf. The sunroom is not being replaced and the deck will run across the back of the house. The new deck will be 560 sf., so it's actually reducing the footprint by 272 sf. The deck will be pulled back an additional 23ft from the wetlands.

Sergio, contractor, noted that he staked the area for the deck and measured to the wetlands. It's a large, forested wetland associated with conservation land in the rear. They are aware it's in the buffer and is jurisdictional. He also noted that Mr. Krecklow spoke to the town attorney, who does not think a variance is needed. They are seeking a favorable letter from the Commission to submit to the Building Inspector.

Mr. Krecklow stated that he submitted the plans to Planning Administrator Kim Reed, who forwarded them onto the town attorney. The attorney does not feel the deck, as proposed, would have to be submitted to the ZBA and would be allowed as a matter of right under the zoning ordinance.

Chair McFarland noted that this the Berry's Brook Watershed, which requires a 100ft buffer.

- **Site walk scheduled for Tuesday, December 14th, 1:40 p.m.**

V. PENDING SITE WALK AND REVIEW

- **238 Parsons**

- **550 Washington Road & Town Forest**

Chair McFarland noted that the piles were supposed to be gone by December 10th. The Commission needs to follow up with a site visit.

VI. OTHER BUSINESS

A. Stone piece for Goss Farm

Chair McFarland noted that they are looking for some kind of artistic type rock to put on top of the capped well at Goss Farm. The idea is to put on the rock “managed by RCC”, “Department of Agriculture” or “has to be farming” with dates. The intent is to help explain that it’s a farm.

Member Shepcaro agreed to be a point person for this project.

B. David Tromp Center proposal

Chair McFarland noted that the proposal is for a tent (40 x 120) with portable horse stalls underneath.

It was agreed that more information is needed in regards to the number of horse stalls, the use on the property and the proposed location for the tent.

Chair McFarland pointed out that there’s also a proposal for additional paddocks where the gardens are currently. In looking at the picture, it’s quite a large area. She also pointed out that the greenhouses are gone.

Member Garvan commented that the paddock area is open space with grass that’s managed. However, the structures in areas where it was open space, even a temporary structure, will be up eight months out of the year.

Member Shepcaro suggested that they also find out the plans for accessing the tent location.

Member Garvan stated that they need to review the easement. Activities that are normally conducted on a horse farm are allowed. On the other hand, expanding the size of the horse farm and the number of animals on the horse farm seems like a violation of the easement, as well as it’s out of the building envelope. He pointed out there’s a paddock on the road that could be used.

Chair McFarland will set up a site walk. She will request information regarding the square footage, number of horses and how it ties into the management plan.

C. December ZBA Meeting

Member Shepcaro reported that the ZBA heard the application for 152 Harbor Road at their recent meeting. The ZBA did not like the Conservation Commission’s acquiescence to the portable firepit on the lower deck area. Eric Weinrieb and Attorney Monica Keiser both talked about the fact that the area is currently gravelly and water is just rolling right into the marsh. The patio is going to be permeable pavers. Even though it’s right on the edge of the marsh, it will

give some filtration before the water goes into the ground and marsh. She told the ZBA that it took some time for the Commission to warm to this proposal; however, the applicant has made big efforts to get the water contained on the property.

Member Garvan pointed out that the Hamills made a lot of changes based on the Commission's initial letter.

Member Shepcaro stated that this point was made in the Commission's recent letter. The ZBA liked hearing that and the Hamills got a lot of points for making those changes. The application was approved by the ZBA unanimously.

Chair McFarland noted that the notice of decision says; "a planting plan for these areas shall be developed and presented to the Conservation Commission prior to DES approval." The notice of decision also states "no mulch" and "no gas, oil, paints". "This notice of decision shall be recorded at the Rockingham County Registry of Deeds and a restriction with this condition shall be included in subsequent deeds transferring this real property."

D. Sign-ups for ZBA 2022

- January – Suzanne
- Members will need to sign up for other months

E. 2022 projects

The Commission will work on listing projects they would like to accomplish for 2022 at the January meeting.

F. Trail work

Chair McFarland noted that Don Knowles is serious about giving the Commission the wood for the trail work. She suggested that they think about starting the trail work.

Trails the Commission would like to work on:

- Town Forest – which is a priority
- Whitehorse – Entrance
- Brown Lane Farm
- Jim Raynes Forest

G. Trailgate

Jaci Grote suggested January or February for a Trailgate at Brown Farm Lane.

H. Goss Farm blueberries

Member Shepcaro reported that she delivered 5.5 pounds of Goss Farm blueberries, along with Tom and Sally King, to the second-grade teachers at the Rye Elementary School. They will be baking lemon blueberry cake in bulk next week, which will be donated.

Member Shepcaro also reported that she and Tom King pulled the Goss Farm wagon with his truck for the recent holiday parade in Rye. The Girl Scouts were in the back of the truck dressed as ‘Cindy Lou Who’ from ‘The Grinch Stole Christmas’. The Grinch and his mother rode in the wagon. The truck and wagon were decorated with Christmas trees. A sign was made that said “Goss Farm Wagon built and donated by Bud Jordan”, who was thrilled the wagon was in the parade. Member Shepcaro commented this was a great thing to do to get into the community.

Chair McFarland pointed out that the Girl Scouts raised \$809 for the Goss Farm, so it was appropriate to let them use the wagon for the parade.

I. Filing of paperwork

Chair McFarland reported that Deirdre Larkin has started the filing. All the draws are being rearranged and labeled. The draws will be by street in alphabetical order. She has almost finished the work.

J. Budget

Chair McFarland noted that the budget for 2021 was \$110,850 and as of November the Commission had spent \$77,646. With the bills that are being approved at this meeting, it will bring the year-to-date expenses to \$103,003. This leaves \$7,500 for the remainder of December. If that is the case, she is considering encumbering \$6,000 for RCCD for the Town Forest invasives, so they know they have the money for that specific contract. She commented that the Commission is in good shape budget wise.

VII. CORRESPONDENCE

- A.** Supply lines with the source – NHDES Drinking Water and Groundwater Bureau
- B.** Planning Board Public Hearing Notice December 14, 2021 – Proposed amendment to the Town’s land use ordinances and regulations
- C.** Received by certified mail: 6 Goss Farm Lane, Tax Map 8, Lot 59, Anne Decker – Wetlands buffer violation. Construction of a deck in the wetlands buffer. Violation will be going before the Planning Board on December 14th.
It was agreed that a member of the Commission should attend the meeting to express their concerns about a deck being built in the wetland buffer.

D. Received as an abutter: 60 Wentworth Road, Tax Map 24, Lot 61, WBTSCC – To replace an existing weekly tent with a seasonal 48’ x 108’ canopy located on the north side of the clubhouse on an existing paver pad.

E. Notice received from Urban Tree Service about the merger with ‘Save a Tree’.

VIII. BILLS

Motion by Susan Shepcaro to pay the following bills:

- **\$437.50 RCCD Mike Cuomo – rec area**
- **\$107.43 reimburse Sally King – CC escrow – Goss Farm – GFFF**
- **\$412.50 BCM Environmental and Land Law #6836**
- **\$437.50 BCM Environmental and Land Law #6755**

Seconded by Jeff Gardner. All in favor.

Motion by Susan Shepcaro to pay the following bills:

- **\$17,947.50 CEI**
- **\$115.90 reimburse Susan Shepcaro - holiday parade and Jim Raynes service**
- **\$2,000 FB Environmental Invoice #47473**

Seconded by Heather Reed. All In favor.

- **\$90.93 for hanging files**

It was agreed that Chair McFarland should ask if commissions and boards are responsible for paying for administrative material. The Commission will revisit this bill at the next meeting.

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

At 7:54 p.m., Jeff Gardner 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 Heather Reed.

**Roll Call: Heather Reed – Aye; Suzanne McFarland – Aye; Mike Garvan – Aye;
Jeff Gardner – Aye; Susan Shepcaro – Aye**

At 8:35 p.m., the Commission came out of non-public session.

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

ADJOURNMENT

Motion by Heather Reed to adjourn at 8:36 p.m. Seconded by Mike Garvan. All in favor.

Respectfully Submitted, Dyana F. Ledger