

RYE CONSERVATION COMMISSION
Tuesday, December 28, 2021
2:00 p.m. – Rye Town Hall

Members Present: Chair Suzanne McFarland, Vice-Chair Sally King, Mike Garvan, Jaci Grote, Susan Shepcaro, and alternates Jeff Gardner and Karen Oliver.

I. CALL TO ORDER

Chair McFarland called the meeting to order at 2:02 p.m.

Alternate Jeff Gardner was seated for Danna Truslow. Alternate Karen Oliver was seated for Heather Reed.

II. APPROVAL OF YEAR END BILLS

The Commission reviewed end of year bills for 2021 to be submitted for payment.

- James Verra - \$2,197.42 – Ocean Blvd.
- John Cavanaugh - \$503.39 – Purple Martin Project
- Reimburse Susan Shepcaro - \$203.65 – well project – Goss Farm Escrow
- Tom King - \$200.000 – Fencing – Goss Farm Escrow

Note: *The check for Tom King was approved at a previous meeting, but the check was never cashed.*

Motion by Jaci Grote to pay the bills as presented and discussed. Seconded by Jeff Gardner. All in favor.

Chair McFarland noted that she received a year end report from Finance Director Ned Paul. With anticipated expenses for the last bills for filing and transcription of minutes, the Commission has about \$375 left in the 2021 budget.

III. OTHER BUSINESS

- **2022 Meetings**

Chair McFarland asked the Commission if they want to continue to meet at the library. She explained that the meetings could be moved back to the Town Hall with Zoom being an option for the public who do not want to attend in person. The library does not have that capability.

Vice-Chair King commented that she would like to have the meetings at the Town Hall and have the capability to have Zoom; especially, with the new Covid variant and the fact that they don't want people exposed.

Chair McFarland pointed out that the presenters for the applications could also be on Zoom.

The Commission agreed to hold future meetings at the Town Hall and set up for Zoom. Members of the public may watch the Livestreaming, which can be accessed from the town's website, or participate via Zoom. A link to Zoom for each meeting will be posted with the Conservation Commission's meeting agendas under the 'Minutes & Agendas' page on the town's website.

- **David Tromp Center Proposal**

Member Garvan stated they should reply to David Tromp that pending the site walk and Commission's vote, the Conservation Commission denies his request at this time. Member Garvan pointed out that the easement requires the Commission to deny within thirty (30) days or the request becomes accepted. Suggested language from Karen Oliver; "Pending more action on your request, it is denied." Member Garvan suggested adding; "However, the Commission plans to discuss this further at the site walk".

The Commission agreed that Member Garvan should send the denial letter to Mr. Tromp.

Vice-Chair King pointed out that they need to look into whether or not the easement allows the Commission to go outside the easement. The way she looks at it, and what she has learned about easements, it does not. She thinks they need to be careful.

Member Gardner commented it depends on what the definition of a structure is.

Vice-Chair King replied that this is a question for the Building Inspector. However, from what she has seen over time, it's a structure.

Member Oliver agreed to review the easement before the site walk. Further review of the easement, and/or participation in the site walk, may be needed by Attorney Amy Manzelli, BCM Environmental (on behalf of RCC).

Motion by Mike Garvan to send a negative response to Mr. Tromp about his request to erect a temporary stable structure on his property, pending further Conservation Commission review. Seconded by Susan Shepcaro. All in favor.

➤ **Site walk scheduled for Wednesday, January 12th, 2:00 p.m.**

- **550 Washington Road**

Member Shepcaro noted that a letter was received from Mr. Gray at 550 Washington Road asking for relief from the request from the Commission to take out the tree piles. The Commission needs to respond to the letter.

Chair McFarland commented she is not in favor of letting him “off the hook”. She explained that Mr. Gray is a renter at the property. He cut down some trees and replanted trees; however, most of them have died. Instead of taking out the piles like he said he would, he burned them without the homeowner’s permission.

Vice-Chair King pointed out that he received burn permits without disclosing it wasn’t his house.

Member Shepcaro stated that now the Fire Department knows it’s not his house and he’s a renter. They will not issue anymore burn permits until he has a letter sent directly to them from the property owner with her permission.

Chair McFarland stated that they can request that he haul out the piles, since he doesn’t have a burn permit. This is what he said he was going to do in the first place.

Member Grote asked what kind of responsibility the renter and the Commission has in notifying the homeowner that this is going on.

Member Shepcaro commented that the property owner knows, as they reached out to her at one point. However, she doesn’t know about the burning.

Vice-Chair King noted that not only did he do this on town conservation property, but he also did it behind Karen and Todd Cronin’s property. He cut a lot of stuff on their land too. He wants to be forgiven for throwing lots of debris into a low spot on the conservation property, which may have been an old dumping area. She pointed out that it’s a hazard. If anyone stepped in there it would be dangerous. He has no business trying to renegotiate.

Member Shepcaro pointed out that he hasn’t successfully planted all the trees.

Member Grote stated that the person that owns the property has a rental agreement with this person. She wonders if the owner should be responsible.

Vice-Chair King replied that if it happened on her property, then she thinks that the owner would be responsible. He’s cutting off the property; however, he’s dragging the trees and brush onto the property to burn. He’s burning in an area that is very close to a propane tank and the abutting house.

It was noted that a formal letter was sent to Mr. Gray from Attorney Manzelli. The Commission agreed that the next steps should be to correspond with Mr. Gray through Chair McFarland or

Attorney Manzelli. Chair McFarland agreed to follow up with Attorney Manzelli to let her know that there has been no compliance to date.

- **Non-Public Session**

At 2:22 p.m., Mike Garvan 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 Jaci Grote.

**Roll Call: Suzanne McFarland – Aye; Susan Shepcaro – Aye; Sally King – Aye; Jeff Gardner – Aye; Mike Garvan – Aye; Karen Oliver – Aye; Jaci Grote – Aye
All in favor.**

At 2:40 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 Jaci Grote.

**Roll Call: Suzanne McFarland – Aye; Susan Shepcaro – Aye; Sally King – Aye; Jeff Gardner – Aye; Mike Garvan – Aye; Karen Oliver – Aye; Jaci Grote – Aye
All in favor.**

ADJOURNMENT

Motion by Sally King to adjourn at 2:41 p.m. Seconded by Mike Garvan. All in favor.

Respectfully Submitted,
Dyana F. Ledger