

RYE CONSERVATION COMMISSION
Thursday, January 13, 2022
7:00 p.m. – Rye Public Library

Members Present: Chair Suzanne McFarland, Vice-Chair Sally King, Mike Garvan, Heather Reed, Susan Shepcaro, Danna Truslow, and Alternates Jeff Gardner and Karen Oliver

I. CALL TO ORDER

Chair McFarland called the meeting to order at 7:03 p.m.

II. SEATING OF ALTERNATES

Alternate Jeff Gardner was seated for Jaci Grote.

III. APPROVAL OF MINUTES

- **December 9, 2021**

The following corrections were noted:

- Page 3, 2nd paragraph under item C it should be noted: **Sergio Bonilla is from Mission Wetland and Ecological Services.**
- Page 4, it should be noted that Item B should read: **David Tromp Driftwood Equestrian Center Proposal**
- Page 6, under Item I, 2nd sentence should read: **All the drawers are being rearranged and labeled.**

- **December 28, 2021**

The following correction was noted:

- Page 2, 2nd bullet should read: **David Tromp Driftwood Equestrian Center Proposal**

Motion by Mike Garvan to approve the minutes of December 9, 2021 and December 28, 2021 as corrected. Seconded by Susan Shepcaro. All in favor.

IV. WETLANDS

A. 1595 Ocean Blvd, Tax Map 13, Lot 30

Owners: Bradley P. & Bettyann P. Lemire

Steve Riker, Ambit Engineering

The project will require ZBA relief, NH DES Wetlands & Shoreland permitting.

The project is a tear down and re-build of an existing residential structure.

Steve Riker, Ambit Engineering, presented the proposal for 1595 Ocean Boulevard for a tear down and rebuild. The application will be going before the ZBA for variances, including wetland buffer relief. (He pointed out the areas on the plan showing the tidal marsh, the 50ft buffer and the 100ft buffer. He reviewed the existing and proposed conditions.) He noted that the new structure will be 2,466sf total, with about 1,663sf inside the 100ft buffer. The proposed driveway will be smaller than the existing driveway, going from 5,085sf to 2,686sf. There is an existing detached garage, which will be removed from the property. The new garage will be incorporated into the structure and will be a drive under the house. The changes on the lot will result in a reduction in impervious from 39.6% to 27.5%. Mr. Riker also noted that tree removal is not required for the project, as the lot is pretty clear.

Bettyann Lemire, applicant, stated that the original intent was to renovate the existing house; however, they also want to comply with FEMA. Having a handicap daughter, they are looking for ways for her to be more mobile inside the house. They also wanted to improve the land. They wanted to remove restrictions of visibility for them and the neighbors. Also, the smaller footprint on the property would be better overall for the community and the environment. That's the intent of moving the garage under the house.

Member Garvan pointed out that everything is coming out of the 50ft buffer. He asked how much of an increase is in the 100ft buffer.

Mr. Riker replied there's a slight decrease of the structure in the 100ft buffer from 1074sf existing to 1052sf proposed. He pointed out there's a pretty fair reduction of the driveway.

Member Shepcaro asked if the new patio is pervious.

Mr. Riker replied the plans are not depicting it as pervious.

Member Gardner stated his initial thought is this is a good project. He asked if there was any thought on the ground covering. There seems to be good ground covering on the marsh side of the driveway. He asked about the plan for inside the 50ft buffer.

Mr. Riker replied it hasn't really been discussed yet. There is some heavy cover there now, right to the edge of the driveway.

Mrs. Lemire commented that there is no intention to change any of that or to take anything out.

Member Truslow asked if there will be more grassed area.

Mrs. Lemire replied that right now, where the garage is located, is packed dirt. They may grass over that area.

Member Truslow asked about the slope to the lot.

Mr. Riker noted it's a pretty flat site. (He pointed out the 9ft, 8ft and 7ft contour lines on the plan.)

- **Site walk scheduled for January 20th, 3:30 p.m.**

B. 61 Red Mill Lane, Tax Map 05, Lots 36 & 37

Owners: Nancy and Tom Byrne

Eric Weinrieb, Altus Engineering

Tear down and reconstruct home and carriage house

Eric Weinrieb, Altus Engineering, presented the plan to the Commission for a tear down of an existing home and carriage house and rebuild. He noted that the property is located in the Rye Beach Precinct, so it's a different set of regulations. The property is located on the corner of Red Mill Lane and Central Road. He explained that the Byrnes bought the corner parcel and shortly after bought the carriage house parcel, which abuts 61 Red Mill Lane. The Byrnes intend to merge the two lots into one parcel. The proposal is to tear down the carriage house and the existing house. (He pointed out on the plan the location of the building envelope, after taking away the 100ft buffer, which is a very long, narrow area. He also pointed out the buildable area with the 100ft buffer, which covers the carriage house area and a portion of the house.) Mr. Weinrieb noted there are a lot of dimensional variances being requested for the new house because the lot is so constrained. The driveway will be moved away from the intersection. Stormwater management is being improved and the house will be sited better on the lot. In the location of the carriage house will be a garage with an art studio on the second floor. There is no intent for the garage to be an ADU or any type of housing that is subdivided off later on. He pointed out that there will be plumbing and heating in the garage/art studio. He continued there's no stormwater management now. There will be stone drip edges around both buildings. In front, everything will be directed to the side yard and there will be a treatment swale down to the wetland. The whole back of the lot will be vegetated and naturalized. The proposal also includes a pool, which is within the 100ft buffer; along with the deck, carriage house and a portion of the house. The application will be going before the Rye Beach Precinct ZBA.

Member Truslow questioned the edges of the proposed deck.

Mr. Weinrieb explained the fill is fairly substantial. The deck elevation is 21.25. The grade on the lower end is elevation 13 and goes down to 12.5. The proposal is for a step wall with plantings in the intermediate area. He noted that there are a bunch of variances for setbacks.

From the wetlands, the existing residence is 106ft and it's going to 75ft. The carriage house is 50.9ft and it's going to 42.1ft. There will be a new retaining wall which will be 40.4ft from the wetlands. He pointed out that 25% building coverage is allowed. The coverage is going from 11.3% to 17.6%. Open space is to be 50%, which is going from 75% now to 69%. The total building coverage, between the two buildings, is just under 2800sf existing and it's going to 4300sf.

Member Gardner asked if this includes the pool area.

Mr. Weinrieb replied no. The impervious, which is the open space, is going from 18,500sf of open space to 17,100sf.

After further discussion, Mr. Weinrieb agreed to stake the corners of the pool and the 100ft buffer area where the house is proposed to be located.

- **Site walk scheduled for January 20th, 4:00 p.m.**

V. PENDING SITE AND REVIEW

A. 550 Washington Road

Chair McFarland noted that she reached out to Attorney Manzelli about how to approach Mr. Gray at 550 Washington Road regarding the pile that has filled in a hole in the Town Forest. Attorney Manzelli recommended writing a letter with a history of what has happened. Chair McFarland will work on a letter to Mr. Gray this week. It was agreed that it's important to note in the letter that the situation is dangerous and it needs to be addressed.

B. 200 Parsons Road

Chair McFarland reported that Mr. Bacon passed away last Wednesday. The Commission expressed their condolences to the Bacon Family.

C. 0 Fairhill Avenue

Chair McFarland noted that she and Member Shepcaro walked 0 Fairhill Avenue with the person who is actually going to be doing the work from Knowles Tree Service. All details were reviewed and he understands how to move forward.

VI. OTHER BUSINESS

A. 2022 Projects List

- Town Forest painting (mark the trails)

- Bog Bridges - Wetland permits (permit by rule) are needed for the bog bridges. A form will need to be submitted to DES for the Town Forest, Brown Lane and other areas planned for bog bridges. The bridges are important because of the wear and tear on wet places; in particular, the marsh area and the area near the backside of the Tilton' property.
- Cedar Run Trails
- Goss Farm drilled well – There are concerns about the amount of water that's running, as it's now running towards the barn. The well is to be capped in April, which will take care of the problem. It was agreed to accelerate that work because the water is going to potentially impact the barn.
- Airfield/Whitehorse – plaques, ripped signs
- Rand Forest – Rock to Rand with plaque
- Brown Farm – Rock (Susan Shepcaro project)
- Sea Glass Lane Rock – Chair McFarland staked the location.

B. ZBA sign ups and ZBA January meeting

- Notice of Decisions for the January meeting were emailed to the Commission by Chair McFarland.
- Chair McFarland asked the members to sign up to attend a ZBA meeting. She would like everyone to take a turn, so there is a representative from RCC at each meeting.

C. Airfield – Whitehorse

Member Truslow agreed to follow up with Mr. Lollini at 18 Whitehorse Drive in regards to the water running across the path.

Chair McFarland reported that she and Member Shepcaro walked with Ben Holmes of Rye Beach Landscaping. He had a lot of creative ideas and has worked on this land before. Going in from the Airfield side towards the horses, the area before the bridge is completely wet. The other area was near the pond on the dam. This is something that the Commission needs to look at as a group. There was discussion about a bog bridge and everyone should be in agreement. A site walk can be set up for the spring.

Referring to the entrance off Airfield Drive, Member Garvan noted this is the ten-acre piece that had restrictions that came with the deed. There is no hunting or bicycling on that property. People can't even traverse it with a weapon. He and Member Shepcaro posted the entire parameter; however, where people park, the signs were pulled down. It was posted at the entrance to the field and through the alder trees near the property on Random Road where there have been problems. He thinks they need to put in big metal posts with a metal sign that says what the rules are with a map of the ten-acres. He thinks they need to create an entrance into the legal part and have signs there also. There should really be a hunters' entrance and it be made

obvious where they cannot go and show where they can go. There's access to ninety-acres where they are allowed to hunt. That ninety-acres also accesses additional private acreage. It's a really large track of land that doesn't have any houses. He thinks it's appropriate to continue the land as hunting. However, they have to stop the hunters from going towards Random Road and crossing the ten-acres.

Vice-Chair King commented there are going to be additional complications when the forty units are finished on Airfield Drive. It's going to add a lot more pressure to that whole property. She thinks it's a good idea to make sure there is a distinction.

D. Trailgate – Jaci suggested Jan or Feb

Chair McFarland noted that Member Grote suggested February 20th or the 27th.

Member Shepcaro asked how they will get into the parking area at Brown Lane Farm if it snows. She wouldn't suggest January or February because of the likelihood of snow.

Chair McFarland asked if a trailgate has been done at Cedar Run.

Vice-Chair King pointed out that they don't have a trail there yet.

Member Shepcaro noted they did the little trail at Cedar. They would need to do the expansion before another one is done at Cedar.

Vice-Chair King commented that she doesn't think Member Grote is feeling strongly about February. She suggested they put it off until spring.

Member Truslow asked if Stoneleigh is ready for people to walk.

Chair McFarland commented that people could walk in Signature.

E. Files

Chair McFarland reported that Deidre has finished the filing. More hanging files are needed. Member Shepcaro said she would do the last twenty files. The easements are throughout the file cabinet. They will be consolidated back at some point, so all easements will be together. She pointed out that another drawer or file cabinet is needed.

F. Trail Work Town Forest and other properties

- Cedar Run and Jim Raynes Forest (Signature) should be next for trails.

G. Recreation Department

Chair McFarland noted that she and Member Shepcaro met with the Rec Department recently. Steve King has been out and seen the stakes. The Rec Department has been informed that the signs are going to start to go up. It was explained that from the stakes in towards the field (75ft), there is to be no debris, no grass, etc. The nets and trash have to be picked up, which they will do in the spring. The Rec Department agreed to all that. It was also explained that because of Rockingham County Conservation District (RCCD) and the easement, a perimeter survey is needed for the recreation area. This needs to be done by the Recreation Department and the property needs to be monumented.

H. 1090 Washington Road – Independence Farm

Chair McFarland reported that the site walk was conducted yesterday. She asked the Building Inspector why the structure was going to be denied. He said there was not enough information on the proposal. The Fire Chief has a problem with the proposal. He brought up the manure and said that it would have to be addressed. The Building Department definitely considers the tent a structure, even if it's temporary.

I. Goss Farm well

Member Truslow noted the drilled well is in and flowing. She has emailed Epping Well and Pump to ask them about capping the well so it will leak less. They did two water quality tests, which have been taken to the lab to be tested for all drinking water parameters. The Commission will be getting an idea of the overall water quality. She pointed out that the PH is a little on the high side, which could be from the grout. However, everything with the well looks pretty good right now.

J. Natural Resource Inventory (NRI)

Chair McFarland reported that the NRI has been completed. She has asked for two extra copies for the ZBA and Pat Losik of the Planning Board. The Commission will be receiving an electronic copy where small edits can be done.

K. Recreation on Conservation Properties

Member Garvan stated that he'd like to be able to complete the spreadsheet about recreation on conservation properties. Hopefully, they will be able to figure out a way to address Airfield. Also, there's Brown Lane Farm and Jim Raynes Forest. He looked at the Exeter Conservation Commission's website. They do it property by property. They also have certain blanket things that are not allowed on any of the properties. He thinks the Commission needs to have a discussion and decide about things; such as, bicycles and hunting, etc. That should be a topic for the Commission's next meeting. He pointed out that with the things that are being considered, there should be an opportunity for people to weigh-in and at least know what's being discussed.

Chair McFarland noted the next meeting is at the Town Hall. They will have the capability of having Zoom, so there can be more participants.

VII. CORRESPONDENCE

The following correspondence was received:

- a.** First Essex (Seavey Acres) easement monitoring report RCC
- b.** Lium Construction land easement monitoring report SELT
- c.** Goss Farm easement monitoring report US Depart of Agriculture – RCCD
- d.** James Verra Survey Tax Map 19.4, Lot 56
- e.** SBA Communications

Vice-Chair King stated that the drainage study for Jenness Beach was received. The Town commissioned the study because there's flooding in the roads. The issue is the density of the houses. Also, the houses are being raised and fill is being brought in up to the back of marshes and creating a problem. The conclusion in the study says that the conservation property on Ocean Boulevard should not be restored because it's contributing to the problem of flooding in the roads. She commented that there used to be a channel through the marsh. It seems like the conclusion is counterintuitive to her. She continued it's not recommended for RCC to improve the quality of the marsh by removing the phragmites. She asked the members to take a look at the report, so they can comment on it at the next meeting. She thinks the Town is going to be acting on the study; however, RCC may want to have a say.

VIII. BILLS

- \$1500.00 BCM Environmental and Land Law #6941
- \$652.50 BCM Environmental and Land Law #7023
- \$19.82 hanging file folders
- \$519.00 reimbursement to Jaci Grote for Rand Forest plaque
- \$18.30 Eversource Bill

Motion by Sally King to pay the bills as listed. Seconded Danna Truslow. All in favor.

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

At 8:31 p.m., Danna Truslow 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 Susan Shepcaro. Roll Call: Karen Oliver – Aye; Danna Truslow – Aye; Suzanne McFarland – Aye; Sally King- Aye; Mike Garvan – Aye; Jeff Gardner – Aye; Susan Shepcaro – Aye; Heather Reed - Aye

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

**Motion by Sally King to seal the minutes of the non-public session.
Seconded by Mike Garvan. All in favor.**

ADJOURNMENT

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

Respectfully Submitted,
Dyana F. Ledger