

**RYE CONSERVATION COMMISSION**  
**Thursday, February 10, 2022**  
**6:30 p.m. – Rye Town Hall & Via Zoom**

**Members Present:** *Chair Suzanne McFarland, Vice-Chair Sally King, Mike Garvan, Jaci Grote, 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 6:32 p.m. and led the pledge of allegiance.

**II. SEATING OF ALTERNATES**

*None*

**III. APPROVAL OF MINUTES**

• **January 13, 2022**

**The following corrections were noted:**

- **Page 2, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> sentence should read:** Having a handicapped daughter, they are looking for ways for her to be more mobile inside the house.
- **Page 5, 2<sup>nd</sup> bullet from bottom of list should read:** Goss Farm – Rock
- **Page 8, under ‘Correspondence’, item b should read:** Lium Conservation land easement monitoring report SELT
- **Page 8, 1<sup>st</sup> paragraph, 3<sup>rd</sup> to last sentence should read:** She continued it’s not recommended for RCC to improve the quality of the marsh by removing the phragmites.

**Motion by Susan Shepcaro to approve the minutes of January 13, 2022, as amended.**  
**Seconded by Danna Truslow. All in favor.**

**IV. WETLANDS**

**A. 1641 Ocean Blvd, Tax Map 13, Lot 21**

Owner: Mary Ellen and Jack Madden

Alex Ross: Ross Engineering

Second story deck and pervious patio within the 100’ wetland setback to the tidal marsh

**Alex Ross, Ross Engineering**, presented the proposal to the Commission for a second story deck and pervious patio within the 100ft wetland setback for the property at 1641 Ocean Boulevard. The deck is off the second floor to the rear of the house, so it will have very little impact to the ground itself. Referring to the plans, Mr. Ross pointed out the septic system location to the front of the property. He also pointed out the landscaping, driveway and bump-out to the rear of the house, which is the proposed location for the deck. He noted there is already quite a bit of landscaping in the backyard before reaching the marsh. There is a set of stairs going to the rear bump-out of the house. At the top of the stairs, there's a small deck before going into the house. The owners would like to make the deck slightly larger. The owners would also like to install a small pervious paver patio on the property. (He pointed out the proposed location on the plan.)

Mr. Ross noted that Wetland Scientist Marc Jacobs delineated the wetlands for the project.

Member Garvan asked if the area under the deck will be enclosed.

Mr. Ross replied it's all open. He noted that the deck is 10ft long by 11ft wide.

Alternate Gardner stated that it looks like the owners have been mowing the marsh and maintaining it as lawn. It seems that it has been mowed up to the fence line.

Mr. Ross agreed. He stated that they could add some wetland protection with some creative buffer plantings. In the end, with the small pervious patio and the native plantings, there will be more protection to the wetland.

Chair McFarland asked the distance from the back of the deck to the wetland.

Mr. Ross replied 38.1ft.

- **Site walk scheduled for Wednesday, February 16<sup>th</sup>, 3:45 p.m.**

**B. 691 Brackett Rd., Tax Map 17, Lot 34**

Owner: Reaney

Corey Colwell: TF Moran and Justin Macek

Barn renovation in the wetland buffer zone

**Corey Colwell, TF Moran**, presented the proposal for a barn renovation at 691 Brackett Road. He noted that the owners renovated the existing house in 2012. When the renovations were done, they added a small addition to the house, a deck, stone patio and retaining wall. The barn was never renovated and is now in a state of disrepair. He pointed out that it is the original barn. The Reaneys would like to restore the barn. In doing so, they would like to include an addition to the side of the barn to house their vehicles. Right now, the vehicles all park in the driveway and there is no indoor space for parking. At the back of the barn, they would like to add a small deck. (Referring to the plans, he pointed out the location for the proposed addition to the barn.) He noted that 438sf of the barn addition, which is about 38%, would be in the wetland buffer.

There are two wetlands on the property: a large, forested wetland and a seasonal stream with adjacent wetland. (He pointed out the location of the wetlands on the plan.) The impervious area proposed for the wetland buffer is 925sf., which is a result of the addition. To get the vehicles into the addition, pervious pavers are being proposed to reduce the impervious coverage and introduce some stormwater management. Right now, there's virtually no stormwater management on site. He noted that 2500sf of lawn area will be removed in exchange for the pavers and barn addition. There is one tree that will have to be removed for the addition. It's right up against the barn and there's some buckling of the foundation because of the tree.

Mr. Colwell continued that to help offset some of the impervious area in the buffer, about 1500sf of landscaping is being introduced, which is shown on the landscape plans. The areas for landscaping within the buffer were chosen because that's where some of the stormwater is being directed. Stormwater from half the barn and the addition would be primarily infiltrated by the new pervious driveway. For any runoff that doesn't infiltrate into the pervious driveway, a swale is being proposed to divert the stormwater to the back and under the deck to the location of a large stone infiltration trench.

Vice-Chair King asked how far the swale will be from the wetland.

Mr. Colwell replied it's about 40ft from the closest point.

Vice-Chair King asked how far the existing building is from the wetland.

Mr. Colwell noted the barn is 80ft from the edge of wetland. The addition will be 60ft from the edge of the wetland. He noted there's an existing appendage (shed) which will be removed but is 70ft from the wetland. The addition will be an additional 10ft to the wetland.

Member Garvan asked if there will be any plumbing inside the barn.

Mr. Colwell replied there isn't any plumbing in the barn currently. The architectural plans do not show any plumbing. He will confirm this with the architect.

The Commission reviewed the architectural floor plans.

Member Truslow pointed out that the stormwater is being directed through the swale to the regraded area behind the barn. It will then be directed to an infiltration area under the deck. She asked how it will work with vehicles passing over that infiltration area. She also asked about the design.

Mr. Colwell explained it's stone with a depth of about 15 or 16 inches. There are gaps in the deck boards above and the stone will give the support for the garage, so the lawn area won't become muddy due to cars going in and out of the lower level of the barn.

Member Truslow stated that it doesn't seem like the integrity of an uncompacted stone is going to be maintained.

Mr. Colwell noted there's about 16 to 18 inches of stone and it's not used every day.

The Commission continued to review the plans for the barn. It was noted that the parcel is 9.6-acres. The lot coverage will be going from 1.8% to 2.2%. The property is approximately 60% wetland. (Mr. Colwell reviewed the upland on the plan.) The building coverage for the entire parcel will be going from 1% to 1.4%. The total proposed building impact in the wetland buffer is 438sf. The impervious driveway is 1500sf in the buffer. Total lawn area to be removed is about 2500sf with 1500sf of proposed landscaping.

Chair McFarland requested that the edge of the driveway be staked for the site walk. She also asked for the swale to be staked and the corners of the proposed deck.

- **Site walk scheduled for Wednesday, February 16<sup>th</sup>, 4:15 p.m.**

**C. 2320 Ocean Blvd., Tax Map 5, Lot 54**

Owner: Karen Borgia

Steve Riker: Ambit Engineering

Revetment repair

**Steve Riker, Ambit Engineering**, spoke to the Commission about the revetment repair proposal for 2320 Ocean Boulevard. It is not certain if the whole revetment will be repaired or replaced at this time. The contractor will make that decision once they get into doing the work. (Mr. Riker pointed out the impact areas on the plan.)

The Commission agreed this seems like a straightforward proposal.

- **Site walk scheduled for Wednesday, February 16<sup>th</sup>, 3:15 p.m.**

**D. 46 Appledore Ave., Tax Map 19, Lot 47**

Owner: Alan Cumings Jr.

Window replacement with dormers within the Shoreland Protection Area

**Alan Cumings Jr., property owner**, explained that when his friends were trying to fix the windows at 46 Appledore Avenue, it was realized that the rafters were rotten. It was suggested to put in dormers and egress windows. He noted that the work has been done and this is an after-the-fact application. The Building Inspector has requested that the project go through the proper channels. Mr. Cumings pointed out that the water runs slower off the roof because of the pitch of the roof. The dormers are not outside the framework of the building.

Vice-Chair King stated that the Building Inspector said that for consistency's sake and because it's in the Shoreland Protection Area; although it's not outside the footprint, it's up to the discretion of the Commission to have Mr. Cumings come before the RCC.

Alternate Gardner stated that he doesn't think the Commission has anything to do with the project, since it's within the footprint.

It was agreed that Member Grote and Member Garvan would visit the site to confirm that that work is within the footprint. A letter of recommendation will be drafted for the ZBA meeting in March.

## **V. OTHER BUSINESS**

### **A. Prohibited and allowed uses for Jim Raynes Forest and Brown Lane Farm**

Member Garvan submitted to the Commission a list of recreational possibilities for the various conservation properties. The Jim Raynes Forest and Brown Lane Farm properties have recently been added. He suggested that they initiate a discussion on what is allowed for those two properties. He noted there are certain things that will be prohibited for all the properties, such as, motorized vehicles, camping, fire, and target shooting. He suggested having a blanket statement of prohibited activities for all properties.

It was agreed that eBikes should be prohibited on all conservation property.

Chair McFarland stated that the owner of Brown Farm had requested that there be no hunting. The Commission should get a letter from all owners who make this request, so there are no questions in the future.

The members all agreed this is a good idea.

Referring to Brown Lane Farm, Member Garvan recommended no hunting.

Regarding the Jim Raynes Forest, Chair McFarland commented that they were talking about making a path that makes a loop through Cedar Run. It says online that hunting is allowed there.

Vice-Chair King pointed out that next door is the Nature Conservancy, which does not allow access.

Member Garvan stated that he thinks it's appropriate to allow hunting in the Jim Raynes Forest. Jim Raynes supported keeping the deer population in control and the traditional use. He doesn't think Mr. Raynes would object. Also, it's contiguous with the Cedar Run property.

Vice-Chair King noted that Nature Conservancy doesn't allow access; therefore, hunting is not allowed on that parcel. Also, the Atlantic Cedar Swamp is in this area and people should not be

going into that area. Hunters are more likely to not stay on trails because hunting doesn't lend itself to trails. She agrees that Jim thought there should be places for deer hunting; however, there is a lot of conservation land that allows hunting currently.

Member Grote stated she does not have a problem with hunting on the Jim Raynes Forest part, but she has a problem allowing people in there without protecting the Cedar Swamp.

Vice-Chair King explained that protecting this area is done by having trails. No off-trail access should not only be encouraged, but also enforced. She thinks the Cedar Run area is very appropriate for hunting and it's been used that way throughout history. Also, when land goes from private to public, it's more difficult to restrict. For instance, property owners may allow certain people to hunt on their property, which is a limited access. Hunting in general is open to a large number of people. Rye is becoming known through social media as a place to go for hunting. She has some concerns about mixed use. There are many properties in Rye that are open for hunting that are appropriate; however, not all properties need to be.

Vice-Chair King suggested posting at will for hunting in the Jim Raynes Forest, as the deer population warrants.

Member Garvan noted that Rye has the highest population of deer in the State.

Vice-Chair King stated this might not always be the case.

Member Grote asked if a portion of the Jim Raynes Forest could be posted.

Member Garvan stated that the White Cedar Forest should certainly be carved out. It could almost be educational with signs explaining why people need to stay out of that area.

Member Grote agreed it's important to communicate with the public about how fragile the White Cedar Forest is.

After discussion, it was agreed to come up with a plan for the Jim Raynes Forest and revisit this topic in the future. Member Garvan will look into signage for the Forest, including educational signage.

## **B. Dog leash requirements in section of Town Forest**

Member Shepcaro noted there were signs along the Green Trail on the marsh side that say, "dog leashes required between March 15<sup>th</sup> and July 15<sup>th</sup> for nesting and breeding". Last year was the first year and it was being done as a trial. The Commission needs to decide if they are going to continue. She thinks this is an opportunity to not only be concerned with wetlands, but to try to create a larger space for wildlife. She feels they should keep this going.

Member Grote stated that after one year, there isn't any data. She doesn't think a one-year trial is enough time to make a decision.

Member Shepcaro explained there wasn't any data when they started. The only data they have is that three tickets were issued by the dog officer. There was a non-sponsor camera that took pictures of people and that was used to some extent to issue tickets. She commented that some people complained. However, in the long run, she thinks it's something they should support as a Commission.

Member Garvan stated he agrees with Member Shepcaro. It's in keeping with RCC's mission of conservation. It's intuitive that having sixty-two undisturbed acres is better for wildlife. Two-thirds of the Town Forest is still unleashed, and dogs are allowed on other properties unleashed if under control. He doesn't think they are putting an impediment on dog walkers.

Vice-Chair King stated that she doesn't think there's been a real big downside in how it's been received. People have gotten used to it. She thinks the reason for doing it was questionable. The Commission didn't identify that it was a big area for Ground Epstein Birds, which was the claim; however, there was no data. Any neighbor could encourage the Commission to do the same thing in any area. However, there is no downside to the wildlife not having dogs running around more. She pointed out that because of all the uses in the Town Forest, it's probably not where most of the wildlife is at this point. She thinks it was driven by questionable motives.

Member Garvan commented it's still the right thing.

Alternate Oliver stated that the Commission doesn't want to be doing things on an ad hoc basis. They need to have a policy, which should be based on data. She agrees that having sixty-two untouched acres is better than not, for preservation of wildlife. However, she doesn't know that's a policy going forward.

Member Garvan noted that the Commission held several public hearings on the matter and voted as a commission. There was ample evidence. The Commission consulted Fish and Game. It's not just nesting birds. The Fish and Game Officer for this area said it would also help deer at the end of the season where they are the weakest after a tough winter. There are a number of reasons this benefits the wildlife.

Vice-Chair King reminded the Commission that it was driven by individuals who wanted to hunt on their own property. The Commission shouldn't forget the motivation.

Member Truslow stated that they shouldn't worry about the motivation. She noted that the area has a lot of water resources. It's very wet in that area. This is probably protecting the amphibian population too. For a lot of reasons, it's a good idea.

Member Shepcaro pointed out that closing the rec trail (middle trail) and making sure it stays closed is very important. She checks it regularly to see if people are in that area.

Alternate Oliver stated it's important to consult with people, like Fish and Game, who can back up, or not, the benefit of what the Commission is doing.

Member Garvan pointed out that the dates were chosen based on the Fish and Game dates for their wildlife management areas.

Vice-Chair King stated that going forward the Commission should have a plan. It shouldn't be based on individual pressure.

**Motion by Mike Garvan to continue leases required from March 15<sup>th</sup> to July 15<sup>th</sup> on the Green Trail in the Town Forest. Seconded by Jaci Grote. All in favor.**

**C. All members – Request to take the NH Coastal Watershed Conservation Plan Survey**

Chair McFarland noted that the survey was sent to all members by email. She asked that everyone fill it out and return it as soon as possible.

**D. Schedule two workdays on trail**

- Saturday, February 19<sup>th</sup>, 10:00 a.m. – Whitehorse  
*Rain date the following Saturday*

**E. Permitting for bog bridges**

- Town Forest – Susan Shepcaro

**F. Plowing conservation entrances for parking**

It was agreed to have Chair McFarland ask the Public Works Director if they would plow the conservation entrances. If not all, Brown Lane Farm, Sea Glass Lane, Seavey, and Goss Farm.

**G. Community Service Intern**

Member Shepcaro noted that she has started working with a community service intern, who will be working until the end of March. She and Member Reed worked with the intern on painting the White Trail and the Green Trail in the Town Forest. Member Shepcaro finished the work with the intern on the Green Trail earlier in the day. The intent is to finish the Town Forest painting. The intern, Emma, is hard working and willing to take on any project.

Member Shepcaro noted that a second-grade teacher at Rye Elementary has asked if the Commission will be plantings blueberries with the students this year.



Vice-Chair King confirmed. She noted this has been missed for two years because of Covid, but they will be starting again with the tradition.

#### **H. Park Ridge Tree**

Vice-Chair King reported that two estimates were received for the tree work on Park Ridge Avenue. Cornerstone Tree Service was chosen, as their estimate was the lowest. They were able to take down the dangerous tree at the end of Park Ridge. The work was able to be done within a day. She saw the trucks at the site doing the work but has not been back to follow up.

#### **I. Deliberative Session Update**

Member Garvan reported that he spoke at the Deliberative Session regarding the warrant article for \$10,000 for the Goss Farm Barn Capital Fund. There were no issues or concerns expressed at the meeting. The warrant article was sent to the warrant as written.

#### **J. Goss Farm well report**

Member Truslow noted that she has a copy of the official well report that is submitted by the driller to the State of New Hampshire. The water quality report is also attached to the report. There is good water quality and the water is flowing.

#### **K. Filing**

Chair McFarland reported that the filing person is going to be back at the end of the month to work on the Commission's files. If anyone has anything that needs to be filed, they should get it to Janice Ireland's office. She has reported that there has been some discussion on what should be saved in the files. The intent is to purge some of the records that are not needed. It was noted that recommendation letters and the BOA Notice of Decisions should be in the property's file.

#### **L. Jenness Beach Drainage Study**

Vice-Chair King noted that she wanted others to look at the drainage study. The conclusion was to basically not improve the quality of the marsh. By improving the marsh and opening up the channel, it's going to create more flooding. Kim Reed will have a copy of the report for those who are interested.

#### **M. N.H. Association of Conservation Commissions – Update on Legislation**

Chair McFarland noted that emailed the legislation update to the commission.

## **VI. CORRESPONDENCE**

Chair McFarland noted the following correspondence was received:

- a. 2022.01.27 30 LaMer Drive, Tax Map 13, Lot 44 Fence Approval 2022212923
- b. SBA Communications
- c. 2022-00211 57 Harbor Rd Repair of existing rip rap revetment
- d. 2020-02473 60 Wentworth Rd, Tax Map 24, Lot 61-26
- e. HB 307 RCCD letter:

Member Grote explained that HB 307 says that municipalities can't have gun regulations that are different than the State. Things like no hunting in the Town Forest could be a conflict. This was brought to the House and was voted on and then went to the Senate. Because the House and the Senate made some changes that didn't concur, a committee of conference must be held. Once that is done, it goes back to the House and Senate for votes. She noted that a committee of conference is not being held until May or June.

Member Grote noted that they could ask Fish and Game what they think about the Bill. They could also ask the NH Municipal Association. Support could be encouraged from conservation groups and letters can be written to the Governor.

It was agreed that the Conservation Commission should write a letter to Governor Sununu. They will send a copy to the Select Board asking them to write a letter with their concerns. The N.H. Conservation Roundtable has sent out a letter to all conservation commissions encouraging them to voice their concerns. Member Grote will write a letter to the State as Rye's Representative. Chair McFarland will draft a letter and send it out to the members for review.

- f. Kim Reed request to put the maps that FB Environmental generated on the GIS overlay maps:

Vice-Chair King noted that Kim Reed requested the maps from FB Environmental for the NRI be added to the GIS overlay maps. Tracy Degnan has given some ideas on grants and people the Commission could work with to do the maps.

Member Truslow pointed out that a lot of the information is already in GIS because the data is pulled into the maps. She thinks they should pull out which maps are not done.

- g. History and Economics in the Dairy Industry

- h. Conservation Land from 1990

*It was agreed to give this information to Alex Herlihy for the Rye Historical Society.*

## **VII. BILLS**

**Motion by Danna Truslow to pay the bills as follows:**

- \$128.92 FB Environmental, NRI copies
- \$14.00 Rye Water bill
- \$8.49 Staples, book ends for file cabinets
- \$1,535.50 BCM Environmental and Land Law
- \$2,475.00 BCM Environmental and Land Law

**Seconded by Jaci Grote. All in favor.**

**Motion by Jaci Grote to pay the following bills as presented:**

- Cornerstone - Park Ridge tree - \$1,300
- Susan Shepcaro – Town Forest paint - \$36.57

**Seconded by Danna Truslow. All in favor.**

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

**At 8:45 p.m., Jaci Grote 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: Jaci Grote – Aye; Danna Truslow – Aye; Suzanne McFarland – Aye; Sally King – Aye; Susan Shepcaro – Aye; Jeff Gardner – Aye; Karen Oliver - Aye**

**The Commission came out of non-public session at 9:00 p.m.**

**Motion by Jaci Grote to seal the minutes of the Non-Public Session. Seconded by Susan Shepcaro. All in favor.**

## **ADJOURNMENT**

**Motion by Jaci Grote to adjourn at 9:01 p.m. Seconded by Danna Truslow. All in favor.**

Respectfully Submitted,  
Dyana F Ledger