

# **TOWN OF RYE – CONSERVATION COMMISSION**

**Thursday, May 10, 2018  
7:00 p.m. – Rye Town Hall**

***Present: Chair Sally King, Vice-Chair Suzanne McFarland, Jaci Grote, Mike Garvan, Susan Shepcaro, Jeff Gardner, Heather Reed and Alternate Jim Raynes.***

## **I. CALL TO ORDER**

Sally King called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

## **II. APPROVAL OF MINUTES – April 12, 2018**

**Motion by Jim Raynes to approve the minutes of April 12, 2018 as presented. Seconded by Suzanne McFarland. All in favor.**

## **III. WETLANDS**

### **A. 77 Parsons Road**

Tax Map 20.2 Lot 034

Owner: Jane Arthene

Tree cutting in wetlands

**Jane Arthene, property owner**, spoke to the Commission about the diseased trees that were removed from her property that were located in the wetlands buffer. She also submitted a plan to remove the lawn and to repopulate the area with native plantings. The proposal is to plant a grove of Birch with some Spruce for screening. The back part of the house, which abuts against the wetlands, will be planted with native plantings.

Member Garvan asked for the name of the arborist that removed the trees.

Ms. Arthene replied that it was Micum Davis and they never spoke about the wetland buffers or the fact that the trees should not be removed without permission from the Town.

Chair King noted that the Commission likes to see things replaced in kind. If trees were removed, they would like to see trees put back in.

Member Garvan commented that if the trees were large trees they should be replaced with large trees.

The Commission reviewed the plan.

**Janet Ryan, 71 Parsons Road**, stated that her family was always under the impression that the area where the trees have been removed was a Town of Rye easement. It was always thought that this area was to remain clear and nothing could be done to it. She continued that it used to be a wooded setting with lots of privacy between the two lots but it is now completely clear. Ms. Arthene had called a few weeks ago to warn that the landscapers had taken out everything between the two properties, except for two trees. (She submitted pictures to the Commission showing the current conditions and photos showing the trees that were removed.) She noted that there is one tree left standing and one fir tree. All other trees have been removed. She continued that the topography of the culvert in that area has changed. (She pointed out the area of the culvert on the plan.) She stated that the removal of trees was not on their property; however, it greatly effects how they use their property with how it is exposed.

Ms. Arthene explained that when she purchased the property the area where the culvert is located used to flood. She paid for all the materials and the Town did all the work to replace and reposition the culvert, as the one that was there was in disrepair. This was done about 14 years ago. She stated that the idea is to reestablish an area that is conducive to the environment and the wildlife. She does not want to see it looking the way it does now. She has to live there and she does not want it to be ugly and bare.

Chair King noted that the Commission will be holding a site walk and will make recommendations for replanting.

- **Site Walk scheduled for Sunday, May 20<sup>th</sup>, 10:00 a.m.**

**B. 146 Harbor Road**

Tax Map 092 Lot 019-001

Owner: Michael Travers and Nancy Braese

Deck addition

**Michael Travers, 146 Harbor Road**, presented a proposal for the addition of a 5.4'x 15' deck across the front of his home. The property is within the 75ft wetland buffer for both salt water and freshwater. He noted that there is a garden under the proposed deck area with a pervious driveway in front. There is also a culvert on the other side of the driveway. He does not think it is going to change anything in terms of the way the drainage works. The impervious coverage is currently 6.7% and the previous cottage and barn on the property was 7.2%. The coverage will be increased slightly but will still remain below what it previously was.

- **Site Walk scheduled for Sunday, May 20<sup>th</sup>, 11:00 a.m.**

### **C. 5 Wentworth Road**

Tax Map 026 Lot 015

Owner: Thomas and Laurie Glasrud

Tim Phoenix – Attorney

MSC/TF Moran

Demolish and rebuild

**Corey Colwell, MSC Engineering**, presented the plan for a tear down and rebuild at 5 Wentworth Road, which is a 16,979sf parcel on the north side just prior to the bridge in New Castle. The current house is an older single family 1.5 story home with garage that is in need of significant repairs. He noted that the existing steps in the back of the home are about 100ft from the highest observable tide line. The home is in both the front and side yard setbacks. There is also a leach field in the back within the 100ft tidal buffer zone. The current home covers about 8.34% of the lot and the impervious coverage is 23.1%. The proposal is to raze the house and replace it with a new single family two story home with two car garage. The proposed home will be centered on the lot. It has to be moved back towards Sagamore Creek for a couple of reasons; to get the house out of the front and side yard setbacks and to eliminate the steep driveway. By moving the home back, it will also eliminate blasting of ledge that would be required for the front of the lot. There are a number of variances that will be needed from the zoning board because the proposed home will be closer to Sagamore Creek. Some of the variances are for the 100ft tidal buffer zone. The closest part of the proposed home will be about 80ft from the highest observable tide line. The back steps will be about 70ft from the highest observable tide line. The new home will have a new Enviro Septic System, which will be about 55ft from the highest observable tide line. This is the best spot for the system given the home's location, removing the non-conformity, the ledge in the front and soil. The new home will occupy 17.5% of the lot. The impervious coverage has been reduced by 5.6%. The existing driveway will be removed and replaced with impermeable pavers.

There was some discussion on the stormwater management plan that will be required for a building permit but has not yet been developed.

Vice-Chair McFarland asked if a septic system in the driveway area was considered for this property.

**Andrew Gray, MSC Engineering**, explained that considering the amount of exposed ledge in the front and how the topography slopes rapidly, it didn't seem ideal.

Mr. Colwell commented that the deepest soil they could find was in the rear of the lot. He noted that there are a number of factors that went in to the proposed location for the home. The most important was the zoning issues. The current home is very close to the front right-of-way. A large portion of the front of the home is in the front yard setback. A second reason was the safety of the driveway. The more forward the front of the house, the steeper the driveway and the more velocity of runoff into Wentworth Road. Also, the fact that there was ledge in the front made it an area that was not conducive to a foundation. Those factors are what drove the house to be pushed back. He continued they realized this was going closer to the buffer zone. However, there will be three reviews before going to the Zoning Board, besides the Conservation

Commission's review. There will be a Shoreland Protection application and a Wetlands Permit that will be necessary for this project as well. That coupled with the fact that there will be a Stormwater Management Plan to help infiltrate some of the runoff and prevent it from going into the creek, it was felt that the proposed location would be the best location for the house.

Member Grote asked for the square footage of the old house versus proposed.

Mr. Colwell replied that the square footage of the proposed home is 2282, which includes the garage. The current home is 988sf, exclusive of deck and porches. The footprint with the deck and porches would be about 1400sf.

Member Grote commented that the home will be twice as big and further into the wetland buffer.

Mr. Colwell agreed. He pointed out that the proposed plan will have less impervious area on the lot.

Looking at the plan, Member Grote suggested making the home more rectangular to move some of the home out of the buffer and deal with the ZBA in regards to the side yard setbacks.

Mr. Colwell noted this would change the home design completely.

There was some discussion and review of the plan.

- **Site Walk scheduled for Thursday, May 24<sup>th</sup>, 4:30 p.m.**

**D. 1647 Ocean Blvd**

Tax Map 013 Lot 019

Owner: Barbara Quirk

Planting plan in wetland buffer

Vice-Chair McFarland noted that the Commission held two site walks on this property. The commission's letter was written on September 30, 2016 and the ZBA wrote a Notice of Decision on October 5, 2016. The ZBA's decision was conditioned upon the owner abiding by the recommendations of the Conservation Commission. The Commission's recommendation was to have, from the back of the berm towards the ocean, a 20'x 60' buffer of native plantings. The applicant forgot to do this and therefore, the building department is withholding their Certificate of Occupancy until this is resolved. She has spoken with the owner three or four times and has sent the native plantings list. Mrs. Quirk is meeting with a landscaper in the next few days and will be submitting a plan to the Commission. The Commission can review the plan and follow up with a site walk once the project is completed.

- **John Schafer, 35 Sea Glass Lane, and Tom Pfau, Sea Glass Lane**, spoke to the Commission in regards to volunteering to help clean up the land and trails owned by the Conservation Commission at the former Rand parcel and other areas in Rye.

Member Grote invited Mr. Schafer and Mr. Pfau to the trailgate party at Seavey Acres on Sunday, May 13<sup>th</sup>, to see the trails and what needs to be done. As new trails are opened, they could also assist with marking those trails. The next parcel of land that the trails will be marked on is the Rand property and help would be appreciated.

- Chair King stated that Chuck Marsden from the building department has asked the Commission to look at 4 Winslow Way, which has been torn down with a new home being built in its place. He is concerned that the septic is very close to the wetland buffer and would like recommendations from the Commission. The property owner has agreed to stake out the location for the proposed septic so the Commission could take a look.
- **Site Walk Scheduled for Thursday, May 24<sup>th</sup>, 4:00 p.m.**

- Chair King noted that a number of commission members were at the site walk for the proposed cell tower on Brackett Road. She feels the Commission should draft a letter regarding their thoughts and concerns with the proposal.

Member Grote stated that her feeling is that everything was very “wishy-washy”. She did not walk away from the site walk with an idea of how big the compound and the tower was going to be or where it was going to actually be located on the parcel. She felt the site walk was a waste of time with no concrete discussion on what was going to happen. This may have been Verizon’s way of testing the waters to see how people felt about the proposal. She continued that people are upset because it is going to cut down a lot of trees, is in a single residence and against the zoning.

Member Shepcaro commented that she was shocked when she saw how close the site is to the road and residential homes.

Chair King stated the Zoning Board and Planning Board are having a joint meeting on May 16<sup>th</sup>. She asked if the Commission would like to send a letter.

Member Grote commented that they should attend the meeting and voice their concerns. She agreed to attend the meeting at the Library at 6:00 p.m.

Chair King stated that she does not feel this proposal is necessary in the 100ft wetland buffer when there are other places it could be located.

Member Shepcaro stated that Verizon did not give enough information for people to make an informed decision. They said specifically that they would not know how it was going to be done until they started the work.

Chair King noted that Verizon was very specific with the Commission that they didn't want them to comment on anything except the wetland buffer.

The Commission agreed that the cell tower compound did not have to be within the 100ft buffer. They also have concerns about the environmental aspect of the plan and will voice their opinions at the next meeting regarding this proposal.

#### **IV. STATUS OF RESTORATION/NHDES/NOV**

##### **A. 35 Recreation Road, Tax Map 012, Lot 083**

Chair King noted that she sent a letter to the owner; however, it was returned unopened. She has sent an email to the owner and they have responded saying they are going to be starting the work within the next week. This information has been forwarded to the building department, as they may need to speak with the property owner before the work is started.

#### **V. PENDING SPRING 2018 SITE WALKS**

- **245 Pioneer**, Tax Map 024, Lot 118
- **335 Washington Road**, Tax Map 016, Lot 122
- **243 Parsons**, Tax Map 19, Lot 103
- **25 Appledore**, Tax Map 19.4, Lot 52
- **5 Libbey Lane**, Tax Map 16, Lot 162-3
- **45 Washington Road**, Tax Map 017, Lot 073
- **60 Park Ridge**, Tax Map 19.4, Lot 17

Member Grote agreed to email the Commission with a time and date for the site walks and they can then contact the property owners. The site walks will start the first week of June.

#### **VI. BILLS**

- Rockingham County Conservation District – Tracy Degnan –\$880.00

**Motion by Jaci Grote to pay RCCD in the amount of \$880.00. Seconded by Suzanne McFarland. All in favor.**

- Rockingham County Conservation District – Tracy Degnan – \$1,235.00

**Motion by Jaci Grote to pay RCCD in the amount of \$1,235.00. Seconded by Suzanne McFarland. All in favor.**

- Susan Shepcaro – reimbursement for sign posting supplies - \$46.86

**Motion by Jim Raynes to reimburse Susan Shepcaro in the amount of \$46.86. Seconded by Jeff Gardner. Vote: 6-0-1 Abstained: Susan Shepcaro**

## **VII. CORRESPONDENCE**

- **Emergency Authorization**

Chairman King noted that an emergency culvert repair was done on the land that was gifted to the Conservation Commission that is located on Route near Foss Circle. She has received an emergency authorization notice to be signed.

- Vice-Chair McFarland noted that the building department is now sending notices of upcoming projects to the Conservation Commission that may be going before the Commission so the members are aware. She also noted that the building department has been noting on their denial letters to property owners that the project may need to go before the Conservation Commission. This should help with bringing more applications before the Commission for review.

Zoning Administrator Reed is sending the Commission a copy of the Notices of Decisions from the ZBA. The Notice of Decision for 300 Pioneer states; ***“compliance with the recommendations of the RCC as set forth in its letter dated March 13, 2018”*** as one of their conditions of approval. The ZBA is also listing the recommendations of the Commission in their NOD which makes it more enforceable for the Certificate of Occupancy.

The Notice of Decision for 14 Fairhill referred to a ***“to be issued letter”*** and stated that ***“a copy which will be appended to this Notice of Decision”***.

There was discussion on drafting letters for 14 Fairhill, 15 Richard Road and Outdoor Pride.

- **Stoneleigh Preserve Open Space Documents**

Chair King noted that she will be away when the Stoneleigh Preserve Documents needs to be signed. Attorney Donovan has asked for her to send a letter authorizing Vice-Chair McFarland to sign in her absence. She requested permission from the Commission to sign and send the letter to Attorney Donovan.

**Motion by Jaci Grote to authorize Sally King to sign and send the letter to Attorney Donovan authorizing Suzanne McFarland to sign on her behalf. Seconded by Jeff Gardner. Vote: 6-0-1 Abstained: Suzanne McFarland**

## **VIII. OTHER BUSINESS**

- **Dogs At Large Committee Update**

Member Garvan stated that he and Member Shepcaro are members of the Dog at Large Committee. The committee has asked the Conservation Commission to look at some of their deeds to see if there is a parcel that may be appropriate for a dog park in Town.

Chair King questioned the liability of a dog park on Conservation land. She also commented that if fencing would be involved it would not seem to be appropriate for open space.

Alternate Raynes voiced his concerns on the dogs running deer and dog waste not being picked up by the dog owners.

Chair King agreed to review some of the deeds.

There was also discussion on removing the fence that abuts Dave Tilton's property, as he does not like the visual effect on his property. It was agreed the fence should come down.

- **Town Forest Survey Phase II**

Vice-Chair McFarland stated that she has spoken with Jim Verra regarding Phase II of the Town Forest survey. He is working on the last parcel and the survey should be completed within a month. He will be able to work on more parcels for the Commission once the Town Forest is completed.

It was agreed that a list of parcels by priority should be drafted for Jim Verra to work on. Member Grote will work on the list for the Commission's review.

- **Conservation Commission Files**

**Dyana Ledger, Conservation Commission's Transcriptionist**, has been working on organizing the Conservation files located in the Selectmen's Office. The files should be completed within the next month. Chair King noted that there are several duplicates of documents that the Commission may not need in their files. The members may want to spend some time going through the files to see if there are things that they can dispose of to make the records more efficient.



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

**At 9:08 p.m., Jim Raynes made a motion to go into Non-Public Session per RSA 91-A:3, II (d) Acquisition. Seconded by Mike Garvan.**

**Roll Call: Jeff Gardner – Yes, Mike Garvan – Yes, Jaci Grote – Yes, Suzanne McFarland – Yes, Sally King – Yes, Heather Reed – Yes, Susan Shepcaro – Yes, Jim Raynes – Yes**

**Chair King reconvened the public meeting at 9:30 p.m.**

**Motion by Jeff Gardner to seal the minutes of the Non-Public Session. Seconded by Mike Garvan. All in favor.**

**ADJOURNMENT**

**Motion by Susan Shepcaro to adjourn at 9:31 p.m. Seconded by Jeff Gardner. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger