

**RYE CONSERVATION COMMISSION**  
**Thursday, April 14, 2022**  
**6:30 p.m. – Rye Town Hall & Via Zoom**

**Members Present:** *Acting Chair Sally King, Mike Garvan, Jaci Grote, Susan Shepcaro, Heather Reed, Danna Truslow and Alternates Karen Oliver and Jeff Gardner*

**I. CALL TO ORDER**

Acting Chair King called the meeting to order at 6:33 p.m. and led the pledge of allegiance.

**II. SEATING OF ALTERNATES**

Alternate Jeff Gardner was seated for Suzanne McFarland.

**III. APPROVAL OF MINUTES**

- **March 10, 2022**

The following corrections were noted:

- Page 2, 1<sup>st</sup> paragraph, 4<sup>th</sup> sentence should read: **The location for the patio and firepit is between the 75ft to 100ft buffers.**
- Page 4, under 0 Fairhill, last sentence should read: **It also looks like nothing 4.5ft or more in height or 4.5-inches in diameter has been taken down.**
- Page 8, under item G, last sentence should read: **Letters of recommendation will be sent to the Select Board for an appointment.**
- Page 8, item K should read: **Dumping on Locke Road at the Intersection of Rye Rec**
- Page 8, under item K, 1<sup>st</sup> sentence should read: **Vice-Chair King reported that she had a complaint about dumping across the end of Recreation Road.**
- Page 8, under item K, 2<sup>nd</sup> paragraph should read: **Member Shepcaro noted that she has already contacted the Recreation Commission.**
- Page 9, item B, should read: **Brown Farm Lane**
- Page 9, 4<sup>th</sup> paragraph from bottom, 2<sup>nd</sup> sentence should read: **She continued that Tracy Degnan received an estimate from Soil Scientist Mike Cuomo to flag outer limits of the vernal pools with appropriate buffers.**
- Page 10, under Bills it should be noted: **Cintas Fire Protection was for Goss Farm Barn property management. Also, BCM Invoice #07439 was for the amount of \$112.50.**

- **March 21, 2022**

The following corrections were noted:

- Page 1, last paragraph, last sentence should read: **However, if the new owners of Lot 72 post their land, it would be very difficult for fishermen to access.**
- Page 2, 5<sup>th</sup> paragraph, 1<sup>st</sup> sentence should read: **Chair McFarland noted that it's one of the six contiguous prioritized habitat blocks in Rye and is recognized by the State.**

**Motion by Mike Garvan to approve the minutes of March 10<sup>th</sup> and March 21<sup>st</sup> as amended. Seconded by Susan Shepcaro. Vote: 6-0-1 Abstained: Jaci Grote**

#### **IV. WETLANDS**

##### **A. 100 Brackett Road, Tax Map 22, Lot 93**

Owners: Kathleen Cavanaugh and Paul James Jr.  
S&H Land Services  
Art Form Architecture, Inc., - Wendy Welton, Alec Foley

**Alden Beauchemin, Keyland Enterprises**, presented to the Commission. He noted there is an existing house on the site which is being torn down. The new home will be built within the same footprint of the existing home. There will be very little disturbance to the site. He pointed out there will be minor grading around the house to address stormwater management. Also, infiltration trenches on the drip edges are proposed to handle additional runoff and help improve the drainage around the house.

**Wendy Welton, Architect**, noted that it will be the same amount of runoff because it's within the same footprint. This will handle the runoff, where it is not being handled now.

Mr. Beauchemin continued that the driveway will remain the same. There is an existing garage and shed. A new septic system was installed last year. He pointed out that there is a wetland to the rear of the property. The property falls within the Berry's Brook Watershed so there is a 100ft buffer. The existing house is within the 100ft buffer. It has existed in this location for years. There are no other changes being made to the site.

Ms. Welton noted that the existing home is a 2-bedroom house and the new home will also be 2 bedrooms. The proposed home is a total of 1470 s.f. She also noted that a variance is required from the ZBA for the house because volume is being added with a second floor.

- **Site walk scheduled for Wednesday, April 20<sup>th</sup>, 4:00 p.m.**

##### **B. 1870 Ocean Blvd., Tax Map 012, Lot 091**

Geno Marconi, AMPE, NH Division of Ports and Harbors  
Christine Perron, McFarland Johnson, Inc.  
Repairs to an existing underground storage tank

**Geno Marconi** explained that an annual inspection of the underground fuel system was recently conducted. There's a line that goes from the tank to a sump before it goes out to the commercial fish pier side. One of the fittings didn't pass inspection, so the system was shut down. It's a situation where the fitting cannot be replaced. The whole line has to be replaced. The line is about 20ft from the tank to the sump and sits in crushed stone. He pointed out that the approval letter for the repairs has been received from DES. The proposal requires a wetland permit application to do the excavation. The work area will be about 2.5ft to 3ft wide and the pipe will be down about 2.5ft.

Mr. Marconi noted that these systems are important because the first responders and emergency federal agencies all get their fuel from that system. It's a 24-hour self-serve operation. He noted that the agencies who use the fuel include the marine patrol, Coast Guard and fire departments. It's part of the Homeland Security Partnership. Fortunately, there is a separate fuel system used for recreational purposes that can satisfy those needs when the commercial system is shut down temporarily. It's important to make sure this is available in the event of an emergency. He pointed out that there are fuel stations in Hampton, Rye and Portsmouth.

- **The Commission agreed that a site walk was not necessary.**

**C. 5 Whitehorse Drive, Tax Map 011, Lot 15-2**

Owners: Jenny and Patrick Donnelly  
West Environmental, Mark West  
Wetland buffer restoration plan

**Mark West, Soil Scientist**, representing the property owners, presented the wetland buffer restoration plan, as the property owners did some cutting in the wetland. He noted that the Commission wanted the tree line added to the plan. The Commission also wanted the access road shown. He pointed out on the plan the area where boulders were removed and trees were removed in anticipation of a pool. The property owners had asked him to flag the wetlands. He designed a restoration plan and walked the site with the property owners to talk about what else needed to be done. He noted that the site plan now includes the information that the Commission has requested. A vegetative buffer will be created in the entire 50ft zone. The wetlands will be restored and the 50ft buffer will be planted to enhance the protection. There are 172 trees and shrubs proposed for that location.

It was noted that the property is within the 100ft buffer because it's within the Berry's Brook Watershed. Relief is needed from the ZBA for the work to be done within the 75ft buffer. In addition to the restoration plan, the property owners are proposing to put in a swimming pool, which will need variance relief. It was also noted that the existing house sits within the 100ft buffer because it was a 50ft buffer when it was built.

The Commission reviewed the plan. It was agreed that there should be a buffer around the pool as well. A fence encompassing the pool will be required by the Town. The Commission requested the area proposed for the pool to be staked for the site walk. Mr. West agreed to research the original conservation restriction language that was put in place when the property was developed.

- **Mark West will email the chair to set up a site walk.**

## **V. PENDING SITE WALKS AND REVIEWS**

- **2677 Ocean Blvd**

Member Garvan and Chair McFarland visited the site. The Commission is waiting to hear back from the property owners in regards to their plan.

- **1 Parsons Road**

Member Shepcaro and Member Garvan visited the site and a letter has been sent.

- **44 Pioneer Road**

Member Shepcaro and Member Garvan visited the site and a letter has been sent.

- **152 Harbor Road – revised plan**

Member Grote reported that the plans have been received. There may be a need for another site walk, as the plan is a bit more complicated and there are some significant changes. This will be discussed at the May meeting.

- **Schedule 40 South Road, Rye Beach, trees**

Acting Chair King will speak with Chair McFarland about the work to be done. She will send an email to the Commission to set up a site walk.

## **VI. OTHER BUSINESS**

- A. 18 Whitehorse water issue**

*Danna Truslow is working on this.*

- B. NRI – missing conservation parcels mapping update**

Acting Chair King noted that Tracy Degnan from RCCD thinks it may be possible to get a grant to have this done. She will follow up with Ms. Degnan to get more information.

- C. Alex Herlihy's request historic signage subcommittee for the 400<sup>th</sup> Celebration**

Member Grote will contact Alex Herlihy to follow up on his request.

- D. Budget update**

A copy of the Conservation Commission budget was submitted to each member for review. The Commission will discuss this at the next meeting.

#### **E. Bog bridge permits – Town Forest, Brown Lane Farm, Cedar Run**

Member Shepcaro and Member Reed are working on the project for the bog bridges. They will have an update at the May meeting.

#### **F. Goss Farm well-irrigation project**

Member Truslow reported that a bill has been received for the excavation and the final work on the well. Once the well is hooked up to the pressure tank, it will be ready to use for irrigation. The tank has been delivered and is being stored in the barn. She will follow up on the final work to be completed.

#### **G. Cedar Run Trailgate date**

The Conservation discussed possible dates for the Cedar Run Trailgate. It was agreed to scheduled it for Saturday, June 4<sup>th</sup> at 1:00 p.m. People who are interested in attending should meet at the end of Cedar Run Road.

#### **H. Vernal pools mapped at Brown Lane Farm**

*Noted by the Commission.*

Member Shepcaro asked about grant possibilities for culvert work. She pointed out that there are five culverts that have been identified at Brown Lane Farm that all need work.

Member Truslow noted there may be funding available for restoration through Aquatic Resource Mitigation (ARM). It's a two-step process. May 31<sup>st</sup> is the deadline for submitting a letter of interest. If the project is chosen, a bigger package is submitted later.

The Commission agreed to submit a letter for this year. Member Truslow will get more information.

#### **G. Purple Martin Gourd at Goss Farm**

Member Shepcaro noted that with the help of the Cavanaghs a Purple Martin Gourd was installed at Goss Farm. Purple Martins just showed up at the Cavanaghs' property yesterday. Hopefully, once they settle their nests over there, they will go over the Goss Farm.

It was agreed that an article about bird life at the farm would be great to submit to Rye Magazine. Alternate Oliver agreed to write an article for the June publication.

#### **H. Lightning Rod for Goss Farm**

Acting Chair King stated that she has been looking into lightning rods for the Goss Farm. She has received one quote from Boston Lighting for approximately \$5,000. She pointed out that there are still funds remaining from the Goss Farm Fair.

The Commission agreed this would be a good use of funds, as the Goss Barn should be protected as well as the pump for the well.

## **I. Four Wheelers at Brown Lane Farm**

Member Shepcaro noted that there have been issues with four wheelers at Brown Lane Farm. She suggested “No Motorized Vehicles” signs be posted on each end of the property. She continued there are also parts of the property that are very soft. Horses have gone through and there are holes where the land is soft. She asked if they should think about closing temporarily to bikes and horses when it is muddy. She pointed out that someone is riding through on a mountain bike, but it doesn’t seem to be terrible. However, they did go across the vernal pool area more than once.

Acting Chair King commented that if it’s said “when it is muddy”, it would be tough to control.

Member Garvan asked if SELT allows motor vehicles.

Acting Chair King replied that she doesn’t know. She’s not sure if they allow horses either.

Member Garvan suggested a kiosk for the big properties so they can post all the rules.

## **J. Duck Blind**

Member Shepcaro asked if the duck blind has been removed.

Member Garvan reported that he spoke with the owner of the duck blind who said he would remove it. A date of April 15<sup>th</sup> was agreed to.

## **K. Wildlife Photographer**

A photographer had approached Sally King with a request to put up cameras to capture the wildlife on conservation property. This request was discussed at a previous Conservation Commission meeting.

Acting Chair King stated that the photographer was originally talking about the Town Forest. She thought it would be less intrusive and more interesting on properties where there is typically not a lot of access; such as, Mimi White’s property and the Holway property.

The Commission likes the idea of the cameras. Sally King will follow up to get a bit more information in regards to how many cameras would be set up.

## **VII. CORRESPONDENCE**

**A. 2320 Ocean Blvd**, Tax Map 05, Lot 54-2, NHDES PERMIT\_WETLAND-2022214573

**B. 2320 Ocean Blvd**, Tax Map 05, Lot 54-2, NHDES APPROVLTR\_WETMAJOR-2022214572

- C. 261-279 Pioneer Road, Tax Map 24, Lot 117, NHDES-PERMIT\_WETLAND-202221480**
- D. 261-279 Pioneer Road, Tax Map 117, NHDES-APPROVLTR\_WETMAJOR-2022214839**
- E. SBA Communications**
- F. Email Mr. Joyce**
- G. SELTviews and SELTeverlasting**
- H. PREP 2021 Annual Report**
- I. SELT note celebrating Moody Woods conserved for 19 years and Massacre Marsh conserved for 14 years**
- J. NH Department of Agriculture, Markets & Food – Watershed Special Permit – Town of Rye – NRCS Wallis Road Property Invasive Species (Rand Forest)**

## **VIII. BILLS**

**Motion by Mike Garvan to pay the following bills:**

- \$325.00 James Verra Surveying**
- \$1,038.00 Bronze plaques – Cedar Run, Brown Lane Farm reimburse Jaci Grote**
- \$17.61 Eversource – Goss Farm electric**

**Seconded by Susan Shepcaro. All in favor.**

- \$10,500 Epping Well & Pump – Goss Farm well**  
Member Truslow noted that there were some charges on this bill that didn't make sense. She will follow up with Epping Well and Pump. It was agreed to table this bill until there is more information.
- \$163.00 Rye Water District – Goss Farm water**  
It was agreed to table this bill, as more information is needed on why the bills is higher than normal.

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

**At 8:12 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 Jeff Gardner.**

**Roll Call: Jaci Grote – Aye; Danna Truslow – Aye; Heather Reed – Aye; Susan Shepcaro – Aye; Sally King – Aye; Karen Oliver – Aye; Mike Garvan – Aye; Jeff Gardner – Aye**

**The Commission came out of non-public session at 8:44 p.m.**

**Motion by Mike Garvan to seal the minutes of the non-public session. Seconded by Jaci Grote. All In favor.**

**ADJOURNMENT**

**Motion by Jaci Grote to adjourn at 8:45 p.m. Seconded by Danna Truslow. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger



**Janice Ireland**

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**Subject:** FW: Town Forest leash signs

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**From:** Shawn Joyce <[sjoyce@nerallc.com](mailto:sjoyce@nerallc.com)>  
**Sent:** Saturday, April 9, 2022 12:57 PM  
**To:** Mike Garvan <[mgarvan@comcast.net](mailto:mgarvan@comcast.net)>  
**Cc:** 'Kevin Walsh' <[KWalsh@town.rye.nh.us](mailto:KWalsh@town.rye.nh.us)>; 'Dave Tilton - Tilton Equipment Company' <[dbtiltonsr@gmail.com](mailto:dbtiltonsr@gmail.com)>; 'Suzanne McFarland' <[suzanne.ryeconservation@gmail.com](mailto:suzanne.ryeconservation@gmail.com)>; 'Sally King' <[sally.ryeconservation@gmail.com](mailto:sally.ryeconservation@gmail.com)>; 'susan shepcaro' <[sshepcaro@gmail.com](mailto:sshepcaro@gmail.com)>; 'Danna Truslow' <[d.truslow@comcast.net](mailto:d.truslow@comcast.net)>; 'Dyana Ledger' <[dyana.ledger@yahoo.com](mailto:dyana.ledger@yahoo.com)>; 'Heather Reed' <[heathersoberg@hotmail.com](mailto:heathersoberg@hotmail.com)>; 'Jaci Grote' <[oigrote@mac.com](mailto:oigrote@mac.com)>; 'Jeff Gardner' <[jeffsawako@hotmail.com](mailto:jeffsawako@hotmail.com)>; 'Karen Oliver' <[klwoliver@comcast.net](mailto:klwoliver@comcast.net)>; Shawn Joyce <[sjoyce@nerallc.com](mailto:sjoyce@nerallc.com)>  
**Subject:** RE: Town Forest leash signs

Hello Mike:

My apologies for getting back to you sooner. I just realized that I had not responded.

As you can clearly see in the pictures below, the WMAs signs are supplemented by "No dogs off leash" signs right next to them so folks are clear that dogs must be leashed. Fish and Game would not have put the two signs together if it was clear with just brown signs, ones the RCC is using. It was a very small ask from last year's ACO and well as residents to ensure it is clear that dogs must be on leash on the green trail. Nonetheless, it seems that folks are more interested in digging in their heels vs what Fish & Game does and makes sense. This is just another example of many that shows the RCC is not really willing to be proactive, embrace best practices and work with others, reason few to no residents attend RCC meetings or engage to help the RCC in forest and conservation efforts.

With that said, I appreciate your invite to attend the 4/14 meeting. However, when I have attended past meetings, RCC leadership was dismissive, defensive and discourteous when I respectfully challenged policies or lack of them with best practices and facts. If folks are curious about those interactions they can watch the live stream of those meetings available on the Town's website. May be some day when there is more diversity and balance on the RCC, it would make sense for residents interested in conservation to attend meetings. In the meantime, if the RCC would really like to work with Dave Tilton and me, I suggest having an unbiased, open minded RCC member meet with us so we can discuss our concerns. We may be able to work out some kind of compromise that would negate our having to address issues with the BOS and writing public emails and letters in our plight to get people to reasonably work together to do the right thing. If the RCC would like to do that, have that him/her reach out to me and we can arrange a time.

As far as the Friends of The Rye Town Forest is concerned, I will circle back with you. If any RCC members would like to be considered, they are welcome to send me their contact information.

Enjoy the weekend. Shawn

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**From:** Mike Garvan <[mgarvan@comcast.net](mailto:mgarvan@comcast.net)>  
**Sent:** Sunday, March 27, 2022 10:23 AM  
**To:** Shawn Joyce <[sjoyce@nerallc.com](mailto:sjoyce@nerallc.com)>  
**Cc:** 'Kevin Walsh' <[KWalsh@town.rye.nh.us](mailto:KWalsh@town.rye.nh.us)>; 'Dave Tilton - Tilton Equipment Company' <[dbtiltonsr@gmail.com](mailto:dbtiltonsr@gmail.com)>; 'Suzanne McFarland' <[suzanne.ryeconservation@gmail.com](mailto:suzanne.ryeconservation@gmail.com)>; 'Sally King' <[sally.ryeconservation@gmail.com](mailto:sally.ryeconservation@gmail.com)>; 'susan shepcaro' <[sshepcaro@gmail.com](mailto:sshepcaro@gmail.com)>; 'Danna Truslow' <[d.truslow@comcast.net](mailto:d.truslow@comcast.net)>; 'Dyana Ledger' <[dyana.ledger@yahoo.com](mailto:dyana.ledger@yahoo.com)>; 'Heather Reed' <[heathersoberg@hotmail.com](mailto:heathersoberg@hotmail.com)>; 'Jaci Grote' <[oigrote@mac.com](mailto:oigrote@mac.com)>; 'Jeff

Gardner' <[jeffsawako@hotmail.com](mailto:jeffsawako@hotmail.com)>; 'Karen Oliver' <[klwoliver@comcast.net](mailto:klwoliver@comcast.net)>

**Subject:** RE: Town Forest leash signs

Hi Shawn,

Thank you for your email. The Conservation Commission will put it on the agenda for the April 14, 2022 regular meeting under correspondence. It would be helpful if you attended and led the discussion about your ideas and concerns. I am sure some members, myself included, would like to participate in the group you are forming.

As for the signs at the Bellamy and other NH WMAs, our sign is an exact copy except for the organizational information at the bottom. We chose to duplicate the sign because it is in use throughout the state and we thought the public would recognize it and its intent. None of the signs use the word "must" but I believe it is clear that the leash requirement is not optional.

Best wishes,

Mike

Francis P. (Mike) Garvan II  
Rye Conservation Commission  
10 Central Road  
Rye, NH 03870

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**From:** Shawn Joyce <[sjoyce@nerallc.com](mailto:sjoyce@nerallc.com)>

**Sent:** Sunday, March 20, 2022 9:53 AM

**To:** Mike Garvan <[mgarvan@comcast.net](mailto:mgarvan@comcast.net)>

**Cc:** 'Kevin Walsh' <[KWalsh@town.rye.nh.us](mailto:KWalsh@town.rye.nh.us)>; 'Dave Tilton - Tilton Equipment Company' <[dbtiltonsr@gmail.com](mailto:dbtiltonsr@gmail.com)>; Suzanne McFarland <[suzanne.ryeconservation@gmail.com](mailto:suzanne.ryeconservation@gmail.com)>; Sally King <[sally.ryeconservation@gmail.com](mailto:sally.ryeconservation@gmail.com)>; susan shepcaro <[sshepcaro@gmail.com](mailto:sshepcaro@gmail.com)>; Danna Truslow <[d.truslow@comcast.net](mailto:d.truslow@comcast.net)>; Dyana Ledger <[dyana.ledger@yahoo.com](mailto:dyana.ledger@yahoo.com)>; Heather Reed <[heathersoberg@hotmail.com](mailto:heathersoberg@hotmail.com)>; Jaci Grote <[oigrote@mac.com](mailto:oigrote@mac.com)>; Jeff Gardner <[jeffsawako@hotmail.com](mailto:jeffsawako@hotmail.com)>; Karen Oliver (<[klwoliver@comcast.net](mailto:klwoliver@comcast.net)> <[klwoliver@comcast.net](mailto:klwoliver@comcast.net)>); Shawn Joyce <[sjoyce@nerallc.com](mailto:sjoyce@nerallc.com)>

**Subject:** RE: Town Forest leash signs

Hello Mike:

Thank you.

I walked the Bellamy land. It is beautiful! It only has one entry point, Town Forest has four, so good thing there are a few more signs. It's very clear at Bellamy that dogs "must" be leashed during breeding season on the entire 400-acre parcel. Please the pic below. Last year, residents and Bob McGrath, Rye's former ACO, asked the RCC to have clear signage that dogs "must" be leashed on the green trail. It would be great if that could be done this year. If you would like any help, I am happy to assist.

As you know, NH Fish & Game wildlife biologists and Sgt Jeremy Hawks recommend dogs be leashed on all conservation land during breeding season to protect wildlife and habitat. Hopefully the RCC will someday consider the importance of adopting best practices for all of Rye.

It would also be great if the RCC could support having informative kiosks like NH F&G or SELT. That way users can view the trail map, rules of the road, etc. It would also pay homage to those who provided the land. I would be happy to lead that initiative, recruit others help, raise the money, and complete the project in a timely



manner. I still have all the materials related to this from six years ago when members of the Trail Committee made the same offer.

In all respect, some RCC members have voted in support of things in the past, only to work against them in the background. It's the reason residents have needed to write letters for the last six years, recapping facts and involving the BOS. We are cautiously hopeful that the majority of the RCC has turned, will continue to do the right thing in light of pressure by long-term members.

In most towns, conservation commissions have bylaws that require members serve no more than two consecutive terms and there is a transparent, open interview process by selectmen for appointment. That ensures people do not dominate a commission, work better with others and all residents have an opportunity to serve, regardless of their personal friendships, ideology, political beliefs, etc. The Town of Rye will get there at some point as it's a matter of fairness and ethics. It would be great if the majority of RCC members could someday support that.

We are in the process of putting together a group of residents, Friends of The Rye Town Forest, and launching a website. It will be very informative, helpful to forest users while ensuring the easement and its protection are readily available, so people do not forget its importance. The website will be supported by a mailing to Rye residents as well as social media. If you or any RCC members would like to be part of that group, please let me know. Thank you.

Sincerely - Shawn

