

RYE CONSERVATION COMMISSION MEETING

Thursday, June 9, 2022 – 6:30 p.m.

Rye Town Hall & via Zoom

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

II. CALL TO ORDER

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

III. SEATING OF ALTERNATES

Alternate Jeff Gardner was seated for Jaci Grote. Alternate Karen Oliver was seated for Heather Reed.

IV. APPROVAL OF MINUTES

- **May 12, 2022**

The following corrections were noted:

- Page 2, under ‘Pending Site Walks’, 40 South Road, it should read: **The members who visited the site had no objections to the removal of the three marked trees. Members advised the property owner that they are required to plant seven smaller trees to replace the three large trees.**
- Page 2, under ‘Pending Site Walks’, 235 Pioneer Road, it should read: **The property owners are proposing to remove some dead trees, which were marked for the site walk.**
- Page 4, under ‘Budget Update’, 5th sentence should read: **Chair McFarland also noted that there are encumbered funds for \$9,775 for saltmarsh restoration, which is happening in 2022.**
- Page 5, last paragraph, 1st sentence should read: **Vice-Chair King stated that she spoke with Mimi White, who thought it was a great idea to have the camera boxes up on her property.**
- Page 6, under ‘Deer Stand’, 3rd sentence from bottom of paragraph should read: **It’s possible to write up someone for littering if the dumping is on private property.**

Motion by Mike Garvan to approve the minutes of May 12, 2022 as amended. Seconded by Susan Shepcaro. All in favor.

V. WETLANDS

A. 271 Harbor Road, Tax Map 08, Lot 50

Owner: Alissa Bournival
Ross Engineering, Alex Ross
Bosen Associates, Christopher Mulligan
Demolish existing home, new construction

Alex Ross, Ross Engineering, presented the proposal to the Commission for 271 Harbor Road. He explained that it's a large parcel of over 2-acres. There is an older existing home, garage and leach field. The owner would like to remove the structures and build a new house. The existing garage is very close to the wetlands. The large leach field in the front is fairly close to the 50ft buffer setback. The proposal moves the structures away from the wetlands. A new, smaller septic has been designed for the property, which will be an AOS pre-treatment system. The leach field will be located beyond the 75ft buffer setback. The building coverage and lot coverage is being reduced with the proposal. There will be less impervious surfaces and a new septic, which will provide cleaner effluent than a traditional system. The application will be before the ZBA at their July 6th meeting.

Vice-Chair King asked if fill is proposed for the house.

Mr. Ross explained that the house that is there now has a similar layout. The driveway is on the left and it nestles into that grade and drops off in the back. It's going to be very similar for the new house and will be placed in the same location.

Chair McFarland pointed out the proposed house is basically adding a 1,000 s.f. The existing building area is 1,673 s.f. and the proposed is 2,594 s.f.

Mr. Ross noted that there's also an existing garage which is 1,218 s.f. That brings the square footage up to almost 2,900 s.f. In the proposal, there is just the house, which is 300 s.f. less than what exists. The existing garage is being removed, which is very close to the wetlands. He noted that as part of the project they have submitted an application for State septic approval. A stormwater management plan will be completed because of the proximity to the wetlands. There will be some elements such as, stone infiltration trenches and other ways to control runoff prior to going into the wetlands; as well as some wetland buffer plantings.

Member Garvan asked if trees are being removed.

Mr. Ross explained that because the new house is going in the same location as the existing home, there will be very few trees removed, if any. There are a lot of trees in the front and on the sides that will be able to stay.

Chair McFarland questioned the asphalt for the driveway.

Mr. Ross explained the end of the driveway with the turnaround area will be pervious pavers.

Chair McFarland asked if the asphalt could be pervious.

Mr. Ross agreed to discuss this with the owner.

The Commission requested that the 50ft buffer setbacks be staked for the site walk, along with the edge of the driveway.

➤ **Site walk scheduled for Wednesday, June 15th, 4:00 p.m.**

B. 0 Merrymeeting Lane, Tax Map 15, Lot 18

Owners: Denise and Craig Benson

Bedford Design, Robert Baskerville

Cronin, Bisson & Zalinsky P.C.

Undeveloped lot proposed new construction

Attorney John Cronin, representing the applicants, spoke to the Commission. He noted that he read the minutes from the ZBA meeting for the original proposal. The ZBA acknowledge in their decision, which was split, that this is an existing lot of record that has been taxed as a single-family lot and there should be the right to develop on it. Their concerns were mostly with trees and some other issues with respect to the side loading garage. With the initial plan, the home was situated a bit differently and had a side loading garage with a sweeping driveway, which really required the removal of a lot of trees. He continued that he met with Mr. Baskerville to consider what can be done to address the concerns and minimize the impact to the wetlands.

Robert Baskerville, Bedford Design, presented the proposed plan for 0 Merrymeeting Lane. He noted that the edge of cut is flagged on the lot and the edge of the building has been staked. There is a total of seventy-one trees that need to be removed for the proposal. The original plan had a side load garage and the driveway went through a big group of trees, which had to be removed for that plan. The plan has been changed to a front load garage, so that area can stay natural. The house has been reduced from the previous submittal, especially the width of the garage. The house sits as tight as it can go to the front lot line. There will be an advanced septic system in front. The driveway is going to be pervious. There will be a drainage trench for the whole house that will more than absorb a storm. There will be complete infiltration from the roof runoff. The back cut area was pulled up tight. A detailed planting plan has been done by Robbi Woodburn. He pointed out that the a/c units will be located underneath the porch. There will no longer be a generator with this proposal. He also pointed out that the new house will be 128ft from the wetlands that are shown on the 1987 subdivision plan. With the new wetlands line, one of the house corners is 16.6ft to the soffit, 18.8ft to the foundation, 22.4ft to the soffit and 25ft to the foundation.

Vice-Chair King asked for further details regarding the stormwater management plan.

Mr. Baskerville explained the front of the lot is fairly level and it goes back on a very gentle slope. Under the house drip edge, there will be a stone trench that will be 30-inches wide and up to 18-inches deep wrapped in fabric. The drip edge is sized to take the entire runoff from the roof. He commented that everything has been done to make the house smaller, pull it up on the lot, reduce the tree count and get rid of the generator.

Alternate Oliver asked if the entire house is in the buffer.

Mr. Baskerville pointed out the 100ft setback on the plan before the Commission. He noted that the only part of the lot that is not in the wetland buffer is in the front setback. There is no buildable land at all on the lot. The proposed home is entirely in the buffer.

Chair McFarland noted this lot is located in the Berry's Brook Watershed, which requires a 100ft buffer and is one of the six highest priority wetlands, as outlined by the State.

There was some discussion about the square footage of the proposed home. It was noted that the building area is 2,288sf. He also noted that Architect Brendan McNamara has prepared the new design for a three-bedroom home. The goal was to make this a buildable lot.

Attorney Cronin pointed out that the size of the home is controlled a bit by the covenants to protect the existing homes. As this is one of Rye's highly protected areas, he has talked to the owners about the Conservation Commission buying the lot, possibly with some type of owner financing in order to meet budget concerns.

The Commission requested that the seventy-one trees be marked, along with the flags for the wetlands and stakes for the building.

➤ **Site walk scheduled for Wednesday, June 15th, 4:45 p.m.**

C. 2300 Ocean Blvd, Tax Map 6, Lot 53-1

Owner: Keri Ahn Trust

TF Moran, Corey Colwell

Demolish existing home, new construction

Corey Colwell, TF Moran, presented the proposal for the demolition of the existing home and new construction at 2300 Ocean Blvd. He explained that the existing home is dated and has some structural challenges. The existing house has a footprint of about 1,300sf. and the proposed home is 1,971sf in size for the footprint. Since the home and some of the yard is within the 100ft tidal buffer zone, both wetland and shoreland permits are required from DES. He noted the property is located in the Rye Beach Village District. The home is allowed per right in that wetland setback, as there is no wetland setback under the Rye Beach Village District Zoning Ordinance. Their setback applies to certain ponds and marshes, but it doesn't apply to

the ocean. He pointed out that two variances are being sought. One for the proposed hardscape in the front, which is in the setback. The second variance is for the height. In the Rye Beach Village District, a home can be built to 35ft in height. The proposed home will be 29.1ft; however, the homes in that area are subject to variances and covenants that say the homes cannot exceed 28ft above the center line of Ocean Blvd. Since there was a variance granted for 28ft, a variance is now required to go above that 28ft.

Mr. Colwell noted that the proposed home will be two-stories and will have a full basement. It's approximately 58x30 and contains a footprint of 1,971 s.f. It's slightly longer and wider than the existing home; however, about 85% is in the same footprint as the existing home. It extends 3ft to 4ft closer to the east and extends 3ft to 4ft further in length. Since the home will contain a drive under garage, the home is being elevated to allow for vehicular access at the basement level. The existing home finished floor elevation is 15.3 and the new home will be at elevation 22, which is an increase in height of 6.7ft. The home is being lifted up to get the garage under and also to meet FEMA regulations.

Member Garvan asked about the total amount of fill.

Mr. Colwell replied that the house is built on the existing footprint, so there isn't a lot of fill going in. The existing home will come down and the foundation is already there. There will be some fill within the foundation hole, but that is it. He pointed out that the lot is relatively flat. There won't be any fill on existing lawns or natural areas.

Vice-Chair King asked about the materials for the hardscape.

Mr. Colwell pointed out that there's a front porch and there will be stone steps with a stone walkway. This lot is on a shared driveway. There's a shared driveway that goes to two abutting homes. Currently, there is gravel parking in front of the house. There's also another shared driveway that is used for this home and the adjacent home. The driveways are not changing with this proposal. The front gravel will change to a pervious driveway on both sides. (He reviewed the existing conditions plan for the Commission. He then reviewed the proposed conditions plan, along with the drainage plan.)

Mr. Colwell pointed out that a unique feature about this lot is that it's kind of barren. There's gravel in the front and grass in the back with no plantings. A landscaping plan has been done for the property to bring some greenery to the site. He noted that impervious coverage is being reduced. Rye Beach Village District doesn't necessarily care about impervious coverage. They care about open space, which is basically green areas. The pervious driveways can't be counted as open space. The requirement in Rye Beach is 60%. The existing open space is 68% and the proposed is 62%. There is quite a reduction in pervious area from what exists today to what is proposed in the future. He noted that Rye Beach said that because there is no buffer impact, they didn't need Conservation Commission input. However, Chair McFarland had said that the Commission would like to see the proposal.

- **Site walk scheduled for Wednesday, June 15th, 5:30 p.m.**

D. 919 Ocean Blvd, Tax Map 20.2, Lot 92

Owner: Shawna and Mark Troy

Altus Engineering, Eric Weinrieb

Demolition of home, new construction

Eric Weinrieb, Altus Engineering, presented the proposal for 919 Ocean Blvd for the demolition of the existing home and new construction. The new home will be in a smaller footprint and lowered a bit. The house will have a flat roof and the owners will have access up to the roof. The property is located in the Coastal Overlay, so it will be under the 28ft. He noted that the real challenge with the lot is that there is no building envelope. There is frontage on Ocean Blvd and frontage on Fairhill Ave. There's also a 100ft buffer. (He reviewed the plans for the proposal for the Commission.) Overall, there will be a reduction in building area and a reduction in impermeable. The proposal is getting rid of an old septic system with a new advanced treatment system being brought in. He continued that the roof runoff will drain into a drain ring and anything that overflows will go out into the wetland.

Member Truslow asked how the drain ring works.

Mr. Weinrieb replied that essentially, it's a leaching catch basin with a dry well.

There was discussion about the AOS pre-treatment system and how it works.

- **Site walk scheduled for Thursday, June 16th, 4:00 p.m.**

VI. PENDING SITE WALKS AND REVIEWS

- **550 Washington Road – Trail cut in town forest and debris piles still remaining**

Chair McFarland noted that the Commission needs to set up a time to visit the property to talk with the resident, Steve Grey, and send a follow up letter. It was recommended that a meeting with Mr. Grey be done face-to-face.

Member Shepcaro explained that Mr. Grey made a trail in the Town Forest, where trails aren't allowed to be made by random people, in order to access an existing trail. She and Sally King closed the trail Mr. Grey made; however, he just went around it and made another trail.

Member Garvan pointed out that Mr. Grey has not done what he has promised on several occasions to do.

Member Shepcaro commented he's making trails when he knows that's strictly prohibited.

It was agreed that Susan Shepcaro, Suzanne McFarland and Mike Garvan would visit the property. A time was scheduled for Monday, June 13th at 1:00 p.m.

- **340 Brackett Road – trees**

Commission members have visited the site. Member Shepcaro has written a letter and sent it out to all interested parties.

- **122/126 Harbor Road – PBN dock damage, Riverside & Pickering**

Chair McFarland reported that she signed a permit by notification for dock damage at 122/126 Harbor Road. All information and photos are in the file.

- **65 Brackett Road**

Chair McFarland noted that a builder, Chelsey Christensen, has inquired about clearing trees at 65 Brackett Road. She will follow up with the builder.

VII. OTHER BUSINESS

A. ARM submission

Member Truslow reported that she put together a packet to apply for funds to do some work at the Brown Farm Easement. It would entail replacing the double culvert, which is getting bogged with beaver dam material and other debris, with a box culvert. CEI Engineers has been out to the site. They have given an estimate and advice on what looked good in each location. Three other culvert locations were looked at, where they are undersized or are in poor condition. There was discussion about putting in new culverts or putting in a bridge and both options were the same cost. CEI Engineering also came up with a number for dealing with the beaver dam issue at the culvert downstream. It looked like it wasn't actually a dam per se, but an old stone wall that had a culvert next to it. The culvert and the stone wall next to it are acting like a dam. CEI put together an estimate for all the work. The estimate came to about \$170,000. The Commission has a match from other sources for some vernal pool work. NRCS was very much in support of the project and said there may be funding for engineering as well. She thinks they are able to come up with enough match. She has submitted a letter of interest and the Commission will be told next week whether this project has been selected.

Member Truslow explained that ARM stands for Aquatic Resource Mitigation. It's a fund for people who need a permit to fill or cut. Instead of replacing the wetland that they are damaging, they pay into a fund. It's done by region and there are six regions in N.H. Each region has a certain pot of money that can be applied to conservation or restoration.

B. Post information at the SELT Kiosk – greenhead, mosquito information

Chair McFarland still needs time to contact SELT.

C. Thank you – Bob Blanchard and Mike Garvan – extensive tree work on trails

Chair McFarland thanked Bob Blanchard and Mike Garvan for the major tree work they have done in Marden Woods, the Town Forest and at the Rand property.

D. 18 Whitehorse water issue

Vice-Chair King reported that there's a meeting scheduled with the owner for Tuesday, June 14th. They are going to discuss how to fix the drainage issue that's draining onto the conservation trail.

E. NRI missing conservation parcels NRI Map 14

Vice-Chair King still needs time to speak with Tracy Degnan, RCCC, regarding grants that may be available for the work.

F. Bog Bridges permits, Town Forest, Brown Lane Farm, Cedar Run

Member Shepcaro stated she is very concerned about getting bog bridges going in the Town Forest, because of the trail damage and the existing bog bridges that are unauthorized. She will be working on the wetland permit application to submit to DES.

G. Goss Farm Well – Irrigation project

Member Truslow reported that Epping Well and Pump anticipates that they will be able to finish up the project next week.

H. David Burdick

Vice-Chair King proposed that the Commission co-sponsor Wetland Scientist David Burdick to speak about Rye's wetlands, which is an event being sponsored by Rye Civic League. This will be a great educational piece for the community. Mr. Burdick is a research associate professor for marine sciences and ocean engineering. He has taught wetland courses for twenty years in the Department of Natural Resources at UNH. He's also the director of Jackson Lab at UNH. Mr. Burdick has been studying coastal science for thirty-five years. In 2012, he was awarded the Susan Snow-Cotter Visionary Award from the Gulf of Maine Council for the Marine Environment. He has also written a couple of books about restoration and salt marshes in the Northeast US and Canada. Vice-Chair King commented that it seems like a very worthwhile educational event for the Commission to be involved in and sponsor.

The Commission agreed with sponsoring David Burdick.

I. Take Action for Wildlife – N.H. Association of Conservation Commissions

Vice-Chair King noted that ‘Take Action for Wildlife’ is looking for three to five people from the community. They would like at least two from RCC. She reached out to the Planning Board to see if anyone is interested. The meetings are being held by Zoom. People have to commit to meetings on 9/15, 9/29, 10/13, 10/27 and presentations will be given on 4/20/2023. Meetings are from 4:30 to 6:00 on Thursdays.

The team members from ‘Take Action for Wildlife’ help participants to develop and implement a project created to protecting wildlife and habitats. Projects include land conservation regulation, outreach and education.

Member Shepcaro and Member Garvan expressed interest in joining the group.

J. 400th Anniversary Celebration for 2023

Vice-Chair King noted that Rye Historical Society is taking the lead on organizing events for the 400th Anniversary of the settling of Rye. They are looking for activities for the celebration and have reached out to RCC. They would like events that talk about Rye’s history. She encouraged RCC to get involved as a town commission. Activities could include a Goss Farm Day and trail gates. She asked the Commission to think of some ideas that may be of interest for the celebration.

K. Cedar Run Trailgate

Chair McFarland reported that the Cedar Run Trailgate was very well done by Jaci Grote. She pointed out that Jaci contacted over two hundred people. She also contacted some people. It takes a lot of people getting the word out to the community.

There was some discussion about contacting the abutters for trail gates and ways to advertise the event.

L. Anonymous complaint

Chair McFarland explained that the former building inspector was pretty good about going out to review a situation if an anonymous complaint was received. However, times have changed and there is now a form that has to be signed. She noted that they received a valid complaint about a piece of property, with photos and a written summary. This person wanted to remain anonymous, so she signed the form to submit to the building department and DES. She pointed out that they won’t get the complaints and they won’t get a good feeling about conservation if the building department says that the Conservation Commission is complaining.

Vice-Chair King commented that if RCC complains about it before the complainant and the building department tries to take action involving the Commission, it would be ridiculous.

Chair McFarland pointed out that she really couldn't say what was happening on the site because she wasn't there, nor did she take the photos. She commented that it feels funny signing a complaint that she does not know anything about.

Vice-Chair King replied that she doesn't think they should. RCC should speak with the Town Administrator about the issues and concerns. She pointed out that RCC is not enforcement, but it gets dropped on them, which is wrong.

Chair McFarland noted that NH DES does not take anonymous complaints.

Vice-Chair King replied that the building department should take the heat because it is enforcement. When people bring things to the Commission, it shouldn't have to be diffused by RCC.

M. Deer guts, Whitehorse, SELT contacted

Vice-Chair King has sent an email to SELT but has not yet heard back.

N. 150 Lafayette Road

Member Shepcaro reported that she received information regarding the permits for the fence located at 150 Lafayette Road. There is a request to extend the fence into the buffer. There was a site walk and she asked the owner to submit paperwork showing the proposal. She pointed out that Phase 1 has seventeen sections. Phase 2 continues from the end of Phase 1 by adding twelve more sections. She would like some direction from the Commission. She pointed out that it doesn't look like he's applied for a permit for the extension of the fence. The permit information she received is for the original fencing.

Vice-Chair King suggested starting with the building inspector to see if they have applied for a permit for Phase 2.

Member Shepcaro agreed to follow up with the building department.

VIII. CORRESPONDENCE

- A.** 2022.05.19 44 Old Beach Road, Tax Map 84, Lot 112 NHDES Emergency Authorization, seawall – VERIFY_EA-2022216380
- B.** SELT invitation June 11, 4:00pm grand opening The Nan and George Mathey Center for People Nature at Burley Farms
- C.** 1870 Ocean Blvd, Tax Map 012, Lot 91-000 NHDES-PERMIT_WETLAND-2022216568

- D.** 1870 Ocean Blvd, Tax Map 012, Lot 091-000 NHDES-APPROVLTR_WETMAJOR-2022216567
- E.** SBA communications
- F.** Annual Water Quality Report 2021 – Rye Water District
- G.** Resident response to Chair McFarland’s answer to questions about the boxes in the marsh (mosquito greenhead traps).

IX. BILLS

Motion by Susan Shepcaro to pay the following bills:

- **\$34.80 Reimburse Suzanne McFarland 3 books of stamps (Karen-2, Suzanne-1);**
- **\$519.00 Reimburse Jaci Grote plaque; and**
- **\$919.85 Alan Bucklin, mowing.**

Seconded by Danna Truslow. All in favor.

Motion by Sally King to pay the following bills:

- **BCM Environmental, Invoice #8031, \$1,245.00; and**
- **BCM Environmental, Invoice #8034, \$5,337.50.**

Seconded by Susan Shepcaro. All in favor.

Motion by Sally King to pay the following bills:

- **Sally King reimbursement \$38.65 Goss Farm; and**
- **Susan Shepcaro reimbursement \$102.54 Goss Farm.**

Seconded by Mike Garvan. All in favor.

- X. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (e) Legal**
Tabled for more information.

ADJOURNMENT

Motion by Jeff Gardner to adjourn at 8:48 p.m. Seconded by Karen Oliver. All in favor.

Respectfully Submitted,
Dyana F. Ledger