

**RYE CONSERVATION COMMISSION**  
**Thursday, May 12, 2022**  
**6:30 p.m. – Rye Town Hall**

**Members Present:** *Chair Suzanne McFarland, Vice-Chair Sally King, Susan Shepcaro, Mike Garvan, Heather Reed, Danna Truslow and Jaci Grote (arrived at 6:55 p.m.)*

**I. CALL TO ORDER**

**Chair McFarland called the meeting to order at 6:36 p.m. and led the pledge of allegiance.**

**II. SEATING OF ALTERNATES**

*None*

**III. APPROVAL OF MINUTES**

- **April 14, 2022**

The following corrects were noted:

- Page 5, Item G should read: **Purple Martin Nesting Fold**  
**Should also be referred to in the first sentence under G.**
- Page 5, under Item G, 3<sup>rd</sup> sentence should read: **Hopefully, once they settle their nests across the marsh, the overflow will go over to the Goss Farm.**

**Motion by Mike Garvan to approve the minutes of April 14, 2022 as amended. Seconded by Sally King. All in favor.**

**IV. WETLANDS**

**A. 238 Parsons Road, Tax Map 19, Lot 104**

Owner: Nicole and Steven Gable

Ambit Engineering, Steve Riker

Doucet Survey

Construct a deck in the 100' buffer, expand home in the buffer

**Steve Riker, Ambit Engineering**, noted that the lot has an existing single-family home. To the rear of the property is saltmarsh, so there is a 100' buffer on the lot. A portion of the home, at the garage end of the house, is within the 100' buffer. Also, a portion of the deck off the back of the house is within the 100' buffer. The property owners would like to slightly expand the deck and also put an addition on the home. The addition will be outside the wetland buffer. Only a portion of the deck is in the Rye wetland buffer. He noted that the walkways in the front will be

pervious pavers. A variance is needed for the dormer to the front of the existing garage. There will be no expansion of the garage. The dormer is more for esthetic purposes. Per the Rye Ordinance, volume and expansion in the Rye buffer requires a variance. He clarified that the portion of the existing garage is within the buffer.

Chair McFarland asked if there's a stormwater management plan.

Mr. Riker explained that a stormwater management plan is something that the Building Inspector would require at the time of construction. He believes plans are required for all projects in Rye. He commented it makes zero sense for this lot, as the impervious surface is being reduced.

- Site walk scheduled for Thursday, May 19<sup>th</sup>, 4:00 p.m.

**B. 150 Lafayette Road, Tax map 10, Lot 14**

Owner: Joe Roy/Howard Lazerowich

Ambit Engineering

Proposed partial fence in wetlands buffer

**Joe Roy, property owner**, joined the meeting via Zoom to present his application to the RCC. Because there were difficulties with the audio, the applicant and members of the commission agreed to meet for a site walk and discuss the proposal at that time.

- Site walk scheduled for Thursday, May 19<sup>th</sup>, 4:45 p.m.

**V. PENDING SITE WALKS AND REVIEWS**

- **40 South Road**

Chair McFarland, Member Shepcaro and Member Garvan visited 40 South Road per the building department's request for large trees coming down. The property owners need a certificate of occupancy for the new garage. The members who visited the site were fine with the trees coming down, which were marked. The Commission is also going to suggest a native buffer planting.

- **235 Pioneer Road**

The property at 235 Pioneer Road sits between the saltmarsh and freshwater wetlands. The property owners are proposing to remove some trees, which were marked for the site walk. The Commission did not have any issue with the removal of the trees.

- **640 Long John Road**

*Site still needs a visit from RCC.*

- **340 Brackett Road**

*Scheduled to walk to review the trees on Thursday, May 19<sup>th</sup>, before the site walk at 238 Parsons.*

- **61 Red Mill Road**

Mike Garvan reported that there was a lot of opposition from neighbors and several members of the Rye Beach ZBA in regards to the deck and pool, which was going to require 6' of fill. Because of the opposition, before the ZBA took a vote, the property owner withdrew the deck and pool. There was discussion at the Rye Beach ZBA meeting about whether they could just vote on the house. It was felt that it's really not a complete application, so it was continued to another meeting on May 26<sup>th</sup>. Member Garvan agreed to attend the next meeting to comment on the new plan.

## **VI. OTHER BUSINESS**

### **A. Planning Board request**

Chair McFarland read an email from Jay Lord, member of the Rye Planning Board, regarding the subdivision at Goss Farm Lane. The developer offered a voluntary 25' extension of the wetland setback along the meadow side of the lots. A short time ago, the first lot, #59 belonging to Decker, had a deck railing intrusion into that setback, which was a minimal intrusion and all of it was above the ground. The Technical Review Committee did a site walk and the Planning Board decided that the impact was de minimis and the deck railing could remain. However, the question came up of what is or should be allowed within the voluntary setback; lawns, fences, etc. Lot 59-2 recently applied for a fence in the voluntary setback

Vice-Chair King noted that the setback is a condition of the Planning Board, so it's really not "voluntary".

Chair McFarland stated that the Planning Board is asking if the Conservation Commission could opine what they think should be allowed in that 25' voluntary setback to help guide the Planning Board in future requests that might come before them.

Vice-Chair King pointed out it's really a buffer for the marsh.

Member Garvan commented it should have the same rules as any wetland buffer. He doesn't think it should be any different than the Rye Code. That should be clear to the homeowners and the Planning Board. There's a reason the Planning Board required the buffer, as it is a sensitive area, and the rules should apply.

The Commission agreed.

**Motion by Mike Garvan that the 25' voluntary setback in the subdivision at Goss Farm Lane is subject to the same wetland buffer rules as the rest of the Town of Rye. Seconded by Sally King.**  
**All in favor.**

**B. 18 Whitehorse water issue**

*Member Truslow and Vice-Chair King will visit the area in the next couple of weeks.*

**C. NRI missing conservation parcels NRI Map 14**

*Vice-Chair King will follow up with Tracy Degnan from RCCD.*

**D. Budget update**

The Commission reviewed the year-to-date expenditures versus the 2022 Conservation Commission Budget. Chair McFarland noted that a 2021 bill for Jim Verra was paid in 2022 in the amount of \$2,200. There is an email from the Finance Department stating that this was a mistake. If the RCC Budget is close at the end of 2022, she is going to remind administration of that email, if there are any issues with the Commission's budget going over. Chair McFarland also noted that there are encumbered funds for \$97,000 for saltmarsh restoration, which is happening in 2022. She reminded the Board that the legal expenses are probably going to be substantial, which will also involve consulting fees. She pointed out that the land management expenses are already over budget, as the Commission was responsible for half of the Town Forest perimeter survey, per the RCCD easement agreement, which was a \$28,000 fee. Under land acquisition costs, RCC will be paying the second payment of the RCCD easement, which was negotiated for a total of \$25,000 broken out into two payments. Chair McFarland commented there are some big-ticket expenses coming in. she doesn't want this to stop anyone from moving forward on a project, but she wants everyone to be aware of costs before spending.

**E. Bog bridges permits, Town Forest, Brown Lane Farm, Cedar Run**

Member Shepcaro noted that she will start working on the permit applications for the bog bridges.

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

Member Truslow reported that she did a site walk with Selectman King. After the site walk, she spoke with Hank at Epping Well and Pump about what still needs to be done. She has not yet heard back from Epping Well and Pump on the date that they will be doing the work.

Member Truslow explained that one of the things that remains to be done, is the installation of a new junction between the new water line from the new well towards the garden plots and a Rye Water District line, which may not necessarily be hooked up in the future. She didn't realize there was an intent to keep the old Rye Water District line because it feeds a spigot and the farmed blueberry area. She asked the Commission if they want to discontinue the use of Rye

Water District altogether and just have everything fed off the well. She pointed out that there is plenty of water available.

Vice-Chair King stated there were parallel projects going at one time, so it wasn't known what the well was going to offer. There's no reason it can't be all well related right now. However, if they lose the well, or it becomes contaminated, the Rye Water line would provide the ability to have a fallback.

After some discussion, the Commission agreed to turn Rye Water off for now and to use only the well to see how it performs.

#### **G. Cedar Run Trailgate, Sunday, June 5, 2022, 1:00 p.m., publicity and trail**

Member Grote noted that the Cedar Run Trailgate is scheduled for June 5<sup>th</sup> at 1:00 p.m. The event has been posted on the Town's website and the Town's Facebook page. She has sent notification to 220 people and has received comments from people who are attending. It was agreed to post flyers at the Town Clerk's Office, library and transfer station.

#### **H. Earl Beshong concern, phone call**

Chair McFarland noted that she received a phone call from Earl Beshong who is concerned about the boxes in the marsh and chemicals getting into the marsh. She explained these are Greenhead Mosquito traps and there are no chemicals in the boxes. She suggested this information be put in the newsletter and on the Town's website. Mr. Beshong also wanted to know if RCC knew about cell towers and the effect on birds.

Vice-Chair King suggested referring Mr. Beshong to the Audubon Society. More information on mosquito spraying on the marsh can be obtained from Sarah MacGregor from Dragon Mosquito Control or from the Mosquito Control Commission.

#### **I. Rand Trail – Joe Persechino**

Chair McFarland thanked Joe Persechino who offered to clean up a fallen tree on the Rand Trail.

#### **J. Bob Glowacky photographer**

Vice-Chair King stated that she spoke with Mimi White, who thought it was a great idea to have the boxes up on her property. It's not a place where people walk, as it's not an open conservation easement. Bob Glowacky has asked to put up camera boxes on conservation parcels for the purpose of taking pictures and recordings of wildlife. Vice-Chair King will be following up with Mr. Glowacky.

#### **K. Duck blind off Pioneer**

Member Garvan reported that he spoke with the gentleman who owns the duck blind. He was given a deadline of April 15<sup>th</sup> to remove the blind from the marsh. The blind has been removed. There may be some wire left; however, that is not a big concern.

#### **L. Deer Stand**

Member Garvan stated that he and Vice-Chair King went to view a deer stand at the Whitehorse property. Hunters have been gutting their deer and leaving the gut piles on the trail coming from Mountain View Terrace. Member Garvan noted that he emailed Fish and Game to ask if there is a regulation or ethical consideration for this situation. Fish and Game has responded and said there are no set rules on leaving the gut pile near trails or roads. The closest regulation would be one that deals with moose parts. That only states that moose parts shall be placed out of site of roads traveled by conventional motor vehicles. It's possible to write someone for littering if the dumping is on private property. However, it's hard to get a judge to convict someone for littering in the woods where other wildlife eats it.

Member Garvan suggested they post a sign and hope that hunters will be courteous.

Vice-Chair King pointed out that Southeast Land Trust (SELT) holds an easement on that property. They might be interested in posting the property. She agreed to contact SELT.

#### **M. Aquatic Resource Mitigation Grant**

There was some discussion about the Aquatic Resource Mitigation Grant, which requires a 30% non-federal match. The Commission is considering the ARM for the Brown Lane Farm property to fix some of the stream crossing issues. A letter of intent for the ARM is due by May 28<sup>th</sup>. Member Truslow will work on the letter of intent for submission.

#### **N. Email from Rye Resident**

Member Garvan read an email received from a Rye resident in regards to a small holding tank for handwashing for food preparation at the restaurant at Rye Harbor. The resident was concerned that there may be no recorded pump-outs.

Vice-Chair King pointed out that this is under State jurisdiction.

Member Garvan will follow up on the email.

#### **O. Signage for 400<sup>th</sup> Anniversary Celebration**

Member Grote noted that she is a member of the signage subcommittee for the 400<sup>th</sup> Anniversary Celebration. The signage committee would like the Conservation Commission's input and for

them to be involved in the proposed locations. The signs are intended to be permanent. The signs that would be applicable to the Conservation Commission are Rye Harbor, Goss Farm, Awcomin' Marsh, and Brown Lane Farm. The signs will be simple signs that give a history about the property. The signs will be posted in the town right-of-way. Any sign posted directly on conservation property must be approved by the easement holder.

Member Grote agreed to speak with the easement holder of Brown Lane Farm. She will also bring in a picture of the signs being considered for the Commission's review.

#### **P. 0 Pioneer Road**

Chair McFarland asked the Commission for permission to move forward on the plaque for 0 Pioneer Road, as they were given the money to do it.

The Commission agreed to move forward with the plaque.

### **VII. CORRESPONDENCE**

- A.** 2022.04.15 570 Ocean Blvd, NHDES-RFMI\_SHORE-202215169
- B.** 2022.04.21 570 Ocean Blvd, Tax Map 23, NHDES-PERMIT\_SHORE-202215330
- C.** SBA Communications
- D.** 2022.04.18 40 Old Beach Road, Tax Map 84, Lot 111, emergency authorization, rocks, wood, sand, beach-VERIFY\_EA-202215193.pdf

### **VIII. BILLS**

- \$166.25 James Verra Surveying
- Reimburse Susan Shepcaro - \$194.00 for several projects

**Motion by Mike Garvan to pay James Verra Surveying in the amount of \$166.25 and Susan Shepcaro in the amount of \$194.00. Seconded by Jaci Grote. All in favor.**

### **IX. NON-PUBLIC SESSION (1) 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 (e) Legal. Seconded by Mike Garvan.**

**Roll Call: Danna Truslow - Aye; Heather Reed – Aye; Susan Shepcaro – Aye; Suzanne McFarland – Aye; Sally King – Aye; Mike Garvan – Aye; Jaci Grote - Aye**

**At 8:37 p.m., the Conservation Commission came out of non-public session.**

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

**Roll Call: Danna Truslow - Aye; Heather Reed – Aye; Susan Shepcaro – Aye; Suzanne McFarland – Aye; Sally King – Aye; Mike Garvan – Aye; Jaci Grote - Aye**

**ADJOURNMENT**

**Motion by Jaci Grote to adjourn at 8:38 p.m. Seconded by Heather Reed. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger