

**RYE CONSERVATION COMMISSION
MEETING MINUTES
Thursday, November 10, 2022
6:30 p.m. – Rye Town Hall**

Present: Chair Suzanne McFarland, Vice-Chair Sally King, Susan Shepcaro, Jaci Grote, and Alternates Karen Oliver and Jeff Gardner: Danna Truslow (arrived at 7:06 p.m.) and Heather Reed (arrived at 7:14 p.m.)

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair McFarland called the meeting to order at 6:32 p.m. and led the pledge of allegiance.

II. SEATING OF ALTERNATES

Alternates Karen Oliver was seated for Danna Truslow and Jeff Gardner was seated for Mike Garvan.

III. APPROVAL OF MINUTES – 10/13/2022

The following corrections were noted:

- **Page 2, 1st paragraph, 3rd sentence should read: In August, the pool was completed and it was determined by the Building Department that the pool needed its own fence permit.**
- **Page 2, last paragraph, 2nd sentence should read: He reiterated that the fence to be built where it is shown on the plans.**
- **Page 2, 1st paragraph, 3rd sentence should read: A permit was not issued because the fence is proposed within the 25' "voluntary" setback imposed by the Planning Board as a condition of its approval of the lots in the subdivision.**
- **Page 2, last paragraph, 1st sentence should read: Member Garvan asked if they are asking RCC to weigh-in on just the fence.**
- **Page 3, 1st paragraph, 2nd sentence should read: He pointed out that the Commission decided that for consistency, a buffer is a buffer whether it's voluntary or not and if a buffer is made a condition of approval, it is no longer "voluntary" in any sense of the word.**
- **Page 5, under item D, the name of the attorney for 239 Wallis Road should be noted: Richard Rousseau**
- **Page 7, under C, last sentence should read: They have submitted for a permit and have said that they will remove the fence on the conservation piece.**

**Motion by Karen Oliver to approve the minutes of October 13, 2022 as amended.
Seconded by Sally King. All in favor.**

IV. WETLANDS

- A. 750 Brackett Road, Tax Map 17, Lot 66** – Owner: Matthew & Natasha Goyette
Ross Engineering, Alex Ross
Variances from §190-6.3.A/B for expansion of a structure on a non-conforming lot;
and from §1900-3.1.H(2)(g) for an addition on an existing footprint 55' from the
wetlands

- *Continued to the December meeting.*

- B. 2000 Ocean Boulevard, Unit 9, Tax Map 8, Lot 56-9** – Owner: Eric & Donna
Johnson
Generator
Variances from §190-3.1.H(2)(a), (g) Wetlands Buffer and §190-2.3.C(3) Front
Yards

Bruce Scammon, James Verra and Associates, presented the proposal for the installation of a generator for Unit 9 at 2000 Ocean Boulevard. Mr. Scammon reviewed the plan and noted the proposed location for the generator. He explained how the generator will be installed, which will sit five feet from the building on a concrete slab.

Member Shepcaro asked if there are any restrictions from the homeowners' association.

Eric Johnson, applicant, replied no. He has received an okay from the management company, and the neighbors.

Vice-Chair King noted that sometimes when the generators are in such close proximity to the other buildings, they coordinate the testing time so they all run at the same time.

Mr. Scammon reviewed the flood map showing the proposed site is completely out of the flood zone. The adjacent zone is elevation eight and the nine contour is running just below the condominiums. The grades in the yard are approximately a foot to two feet above the flood elevation. He also noted there's a gas line on the premises. It's not going to be a diesel generator where there would be a concern about filling the tank and contamination that close to the shoreline. Variances are needed for the placement of the generator because it's within the front setback and the one hundred foot wetland buffer.

- **Site walk scheduled for Thursday, November 17th, 1:00 p.m.**
- C. 65 Washington Road, Tax Map 17, Lot 70** – Owner: Craig Soboleski
Addition and septic
Variances from §190-3.1.H(2)(a), (g)

Craig Soboleski, applicant, presented a revised proposal for his property at 65 Washington Road for an addition to the home and new septic. The Commission conducted a site walk in June. From that site walk, it was decided to have the addition where the deck is located, instead of the left side of the house. The addition is slightly larger than the deck space and there will be a new deck off the back of the addition. The septic design has been completed and will be located out of the seventy-five foot buffer. The design has been approved by the State and the Town. Mr. Soboleski reviewed the location of the septic on the plan before the Commission. The addition will have a second floor. Currently, the house is a little over fourteen hundred square feet. With the addition, the house will be about twenty-five hundred square feet. The house will remain a four bedroom home.

The Commission reviewed the revised plan. Chair McFarland noted that the Commission asked about the septic with the original plan and they strongly suggested moving the addition east. Mr. Soboleski has done both.

Member Gardner pointed out that they have not talked about plantings yet. Usually, when there is encroachment in the back, the Commission likes to have plantings to protect the resource by the salt marsh.

Mr. Soboleski noted there's a stonewall with plantings along the wall that have been untouched. The only plantings would be in front of the stonewall.

- **Site Walk scheduled for Thursday, November 17th, 1:30 p.m.**

Note: *Danna Truslow arrived at the meeting at 7:06 p.m. Karen Oliver was unseated for Danna Truslow and reseated for Heather Reed.*

- D. 40 Old Beach Road, Tax Map 84, Lot 111 – Owner: Paula Leed**
TF Moran
Seawall emergency authorization

Jay Aube, TF Moran, spoke to the Conservation Commission about the emergency seawall repair at 40 Old Beach Road. Back in April 2022, there was a nor'easter that pushed up a lot of sand, rocks, and debris. Ramping was done so the soil materials were at the same grade as the height of the retaining wall, which further allowed waves and material to spill over onto the patio on the property. The property owners contacted DES and received emergency authorization to clean up the site. As part of that emergency authorization, it's conditioned that the property owners follow through with a formal DES Wetlands Permit. An expedited review application will be submitted to DES. In order to do that application, a signature from the Conservation Commission is needed. The work has already been completed. There are photos that were submitted with the emergency application showing the seawall and the work that needed to be done at the site.

The Commission agreed that a site walk was not needed and that Chair McFarland should sign the application, as the work has already been done and it seems reasonable.

Note: *Heather Reed arrived at 7:14 p.m. Karen Oliver was unseated.*

V. PENDING SITE WALKS & REVIEWS

A. 640 Long John Road – tree damage, storm

Chair McFarland reported that she visited the site and took pictures because Knowles Tree Service had called. It was a big tree that was damaged and it was taking down another tree. The tree needed to come down for safety reasons.

B. 238 Parson – buffer plantings

Chair McFarland reported that a letter was received from Steve Riker that the plantings are in. Pictures were also received. The Commission still needs to install signs.

C. 377 Brackett Road

Chair McFarland noted that she walked by the property. There are about five or six sections of the fence that have been removed.

D. 23 Harborview Drive

Chair McFarland noted that an email was received for 23 Harborview Drive stating that the buffer plantings have been completed. The Commission has been invited by the owners to conduct another site walk.

- **Site walk scheduled for Tuesday, November 29th, at noon.**

VI. OTHER BUSINESS

A. Tree Calls

Vice-Chair King stated that the Building Department had asked the Commission to go and look at trees when there were issues. The department now has three fulltime employees. She thinks it's time for them to take that job back.

Member Grote pointed out that the Commission was helping the Building Department when there was only one person. The Commission does a fair amount of work trying to be helpful. At the same time, there are things the Commission can be doing that promotes their mission and is more appropriate.

Chair McFarland commented that the Land Use Assistant just sent out a letter to all the tree and landscaping companies. If a call comes in from them, the Commission should consider going out. The Commission should also handle calls if there is a wetland issue.

The Commission agreed. Chair McFarland will write a letter to the Building Department.

B. 57 Park Ridge

Chair McFarland explained that the spraying and mowing companies have been notified twice by her, letters and phone calls, and now Land Use Assistant Campbell has phoned. They continue to mow and spray the conservation land. Signs have been placed exactly where they're supposed to be by James Verra; however, they continue to mow and spray. The owners of the property have also been notified.

Vice-Chair King will follow up on this issue.

C. Donation of John Deere Tractor and Cart

Jane Holway has donated a John Deer Tractor and cart to the Commission for use at the Goss Farm. The Commission accepted the donation and thanked Jane for her generosity.

D. Bog Bridges Permits, Town Forest – Susan, Brown Lane Farm – Heather

Member Shepcaro reported that she has worked on this for the Town Forest and is almost done. She will also work on Brown Lane.

Member Shepcaro expressed her concerns about someone marking wetlands at Brown Lane Farm who was not Marc Jacobs.

Chair McFarland explained that she received a phone call from Arik Jones from the Rye Water District stating that Marc Jacobs had a cancellation that day. Marc had asked Wright-Pierce and Arik Jones if he could bump Brown Lane Farm up and go that day. She commented that Marc has done work at the property before, so she felt very comfortable with him going out to do the work.

Vice-Chair King stated they should have something in writing that says they can do wetland delineation, but that should not be misconstrued as permission to drill holes. There has to be a plan in place before the Commission agrees to anything.

Chair McFarland read the email from Chris Berg from Wright-Pierce noting that Marc Jacobs would be on the site to delineate the wetlands near the potential well locations on site. The email also stated that in the spring, during vernal pool season, Marc will be back out to the site to delineate vernal pools.

Member Truslow suggested that the person at the property might have been with Wright-Pierce marking the potential well areas so Marc would know where to do the delineations.

E. 18 Whitehorse Water Issue – Danna & Kara

Member Truslow reported that Land Use Assistant Campbell looked through the files. She did not find anything that was specific to a drain leading from the house out towards the conservation land. There was something in the files about perimeter drains; however, that was it.

Kara is going to do more file research. She is also going to speak with Planning Administrator Kim Reed to see if she has any information. Kara has not yet heard back from Kim Reed, so she does not have any new information.

Vice-Chair King asked if it would be worth having someone from the Building Inspector's office go to the site with a conservation member, so it can be pointed out that there's a water issue on conservation property off that property with the drain. Maybe the Building Department can write a violation and suggest what can be done as a next step.

Member Truslow and Member Grote agreed to reach out to the Building Inspector to schedule a time to visit the site.

F. Trail Maps on Webpage

Maps for trails at Whitehorse, Cedar Run, and Brown Lane Farm are still needed. Member Reed will work with Kara Campbell to get these on the Conservation Commission webpage.

G. ZBA Update

Vice-Chair King reported that 139 Wentworth Road was continued to the December ZBA meeting. For 1 Cable Road, there are easements for two properties. To do the work, it is so tight that the next person doing a project would have been driving over the new pavers. The work was deferred until November 2, 2024 just for the pavers. She suggested that the plantings be deferred also because it was related. The Commission will be looking at the project in 2024.

Member Shepcaro noted that she received a phone call from the landscaper saying that they will be doing the plantings this fall anyway. The plantings are near the seawall, so they won't be impacted by the work.

Chair McFarland asked the members to sign up for the 2023 ZBA meetings.

H. 0 Pioneer Road

Chair McFarland reported that this has been submitted in the CIP. She took Knowles Tree out and there was a \$1,000 difference for Ambit's estimate for tree work. She's going to fill out a capital outlay form with Ambit's costs for the parking area and access concept, plus their site cost estimate, for 2023. She has not been able to get DOT out to the property to see if there can be a curb cut. The engineer from Ambit did the line of sight work and picked a spot where there could be a curb cut where it's safe from the house across the street.

I. Budget

Member Grote noted that the budget was submitted to the Select Board. A significant increase was requested for 2023 because of the amount of legal fees the Commission has encountered this year, which was \$35,000. It is not anticipated that the situation is going to improve for 2023. The Commission's budget in 2022 was \$110,000. The budget submitted for 2023 was \$138,000,

which covers a \$10,000 increase for legal fees and an additional \$6,000 for salt marsh restoration. Other increases to budget lines include the Town Forest from \$2,500 to \$5,000., and land management was increased another \$8,000. The Budget Committee is meeting on November 16th to review the budget. The Select Board has approved the Commission's operating budget of \$138,575. In addition, a different category was created because there is an account which encompasses all the costs that have to do with maintenance of the buildings. In this building maintenance account, there's a budget for the safety building, Town Hall, and transfer station buildings. This includes any maintenance, electrical costs, water, and heating fuel. It was recommended that the Conservation Commission have a building maintenance line for Goss Farm in that total budget account for the Town. The Commission has included \$10,000 in this budget for regular maintenance of the Goss Farm Barn. There is also another \$2,500 included in this budget for equipment maintenance. The electricity costs are also included as well. The total for this budget is \$12,950., which was approved by the Select Board.

Member Grote continued that two years ago, the Commission started an expendable trust fund because the barn was needing improvements that were more like capital projects rather than maintenance. Two years ago, there was a warrant article to put \$45,000 in that fund. Last year, another \$10,000 was added. The Commission is asking for another \$10,000 in 2023. It's basically a savings account for funds to be used as needed for the barn.

J. Deadline for Newsletter is November 19, 2022

There was some discussion about ideas for the upcoming town newsletter.

Vice-Chair King noted that the Rye 400th Committee were talking about what project they could do with Conservation. There's an idea of planting a linden tree at the Goss Farm because they are very good pollinators. Vice-Chair King asked the Rye 400th Committee if they would come up with money for the planting and the Conservation Commission would match it. They have come up with \$1,000 and the Commission could match it from the Goss Farm funds. The linden tree would be planted for the Rye 400th Celebration.

Motion by Jaci Grote to take up to one thousand dollars (\$1,000) from the Goss Farm fund to have a linden tree purchased and planted for the Rye 400th Celebration to match those funds that are being donated by the Rye 400th Committee. Seconded by Susan Shepcaro. All in favor.

Member Grote noted that there is a plaque being put together that talks about the agriculture of Rye. This is going to be installed at Brown Lane. There's also going to be a plaque at the bottom of Harbor Road and Route 1A for Goss Farm, Awcomin' Marsh, and Rye Harbor. These are being done for the Rye 400th. The State is also going to be fixing the observation platforms across from the Harbor in the Awcomin' Marsh.

K. Goss Farm Lane Mowing – Letter

Member Shepcaro noted that the homeowners' association at Goss Farm Lane prohibits mowing more than once per year. She knows they have mowed twice in two weeks this year and maybe

more. Not only are they mowing the buffer area, but they are also mowing in the wetland. She thinks that maybe the Planning Board should handle this issue, as it is part of the conditions of approval for the subdivision.

Vice-Chair King commented that the Planning Board should write a letter to the Building Inspector.

Member Shepcaro also noted that Member Garvan suggested more wetland boundary signs. She is going to speak with Pat Losik, Planning Board Chair.

L. Mosquito Control Commission Meeting - November 19, 2022

Vice-Chair King stated that the chair of the Mosquito Control Commission called her and said that they are in the process of getting a contract for services for 2023. There are three companies who routinely vie for Rye's business. One of them is Swamp, Inc., who has been interested in doing marsh management in Rye. Anyone who is interested in hearing the presentation being given by Swamp, Inc., can attend the next Mosquito Control Commission meeting. She will be attending the meeting.

M. Goss Farm Barn – update

Vice-Chair King noted there was an issue with the Goss Farm Barn and some beams that are leaning. A farm restoration person has looked at the project and said that the work could be done over the winter because it's internal for the most part. It seems that the shed in the front is pulling the barn forward and causing the issues to the beams in the front of the barn. The work will involve cabling the barn, tugging it back into shape, and putting in supporting beams. The estimate for the work is \$16,400., which seems reasonable for a very big project.

Motion by Jaci Grote to give Sally King and/or Suzanne McFarland the authority to sign a contract to repair the barn for up to seventeen thousand dollars (\$17,000) to be taken from the Goss Farm Barn Expendable Trust Fund. Seconded by Susan Shepcaro. All in favor.

VII. CORRESPONDENCE

A. NHANRS Dues

B. 1595 Ocean Blvd, Tax Map 13, Lot 30 – NHDES Approvals

C. 60 Wentworth Road, Tax Map 24, Lot 61-26 – NHDES Approvals

D. 238 Parsons Road, Tax Map 19, Lot 130 – NDES Approvals

E. SBA Communications

VIII. BILLS

- A.** \$1,523.00 - Marc E. Jacobs wetland scientist
- B.** \$9,775.00 - RCCD, town forest invasive, encumbered monies from 2021
- C.** \$6,375.00 - RCCD, salt marsh restoration contract
- D.** \$5,190.00 - RCCD, 0 Pioneer, land management contract
- E.** \$2,324.75 - RCCD, Acquisition work
- F.** \$1,950.00 - Seacoast Tree Care, 60 Park Ridge Road
- G.** \$150.19 - Dog Poop Bags
- H.** \$125.00 - Susan Shepcaro, Association of NH Conservation Districts Seminar

Chair McFarland noted that when Marc Jacobs was given the task for the wetland delineation for the cemetery, he gave an estimate of \$800 for the work. It was more involved than expected and the total bill is \$1,523. Mr. Jacobs feels very badly that it was not close to the estimate. Mr. Jacobs has applied a credit of \$750 to the bill. Chair McFarland commented that she is not sure she is comfortable with the credit because of the number of hours he put in and timing of the project. Mr. Jacobs was the only person who responded after talking to five or six wetland scientists. No one could fit this project into their schedule.

The Commission agreed to pay Mr. Jacobs for the full bill in the amount of \$1,523.

Motion by Suzanne McFarland to approve the payment of one thousand five hundred and twenty-three dollars (\$1,523.00) to Marc Jacobs. Seconded by Jaci Grote. All in favor.

Motion by Jaci Grote to approve the payment of nine thousand seven hundred seventy-five dollars (\$9,775.00) to Rockingham County Conservation District to be paid with funds encumbered in 2021. Seconded by Sally King. All in favor.

Motion by Jaci Grote to approve the payment of six thousand three hundred seventy-five dollars (\$6,375.00) to Rockingham County Conservation District. Seconded by Susan Shepcaro. All in favor.

Motion by Jaci Grote to approve the payment of five thousand one hundred ninety dollars (\$5,190.00) to Rockingham County Conservation District. Seconded by Susan Shepcaro. All in favor.

Motion by Jaci Grote to approve the payment of two thousand three hundred twenty-four dollars and seventy-five cents (\$2,324.75) to Rockingham County Conservation District. Seconded by Susan Shepcaro. All in favor.

Motion by Susan Shepcaro to approve the payment of one thousand nine hundred fifty dollars (\$1,950.00) to Seacoast Tree Care for the Commission's share of removing the dangerous tree tops at 60 Park Ridge Road. Seconded by Jaci Grote. All in favor.

Motion by Jaci Grote to pay one hundred fifty dollars and nineteen cents (\$190.15) for dog poop bags and one hundred twenty-five dollars (\$125.00) to Susan Shepcaro for

reimbursement of the entry fee to the NH Conservation Seminar. Seconded by Sally King. All in favor.

IX. Estimates for 2023 Work

- **\$3,700.00 - RCCD, Town Forest** – invasive control, watershed, special permit application
- **\$2,920.00 - RCCD, Wallis Marsh east/west**
- **\$3,130.00 – Pioneer Road, Phase 2**

The Commission agreed that the above three projects are reasonable and can be covered in next year's budget.

- **\$7,225.00 - RCCD, Awcomin' Marsh** – invasive control, native plantings, follow up invasive control at Goss Farm, Recreation Road and Route 1A

The Commission agreed to take \$2,000 out of the estimate for plantings, as a better plan is needed for the plantings. The total would be \$5,225.00.

Motion by Jaci Grote to authorize Suzanne McFarland or Sally King to sign a contract with Rockingham County Conservation District (RCCD) for invasive species work in various parts of Rye for a total of fourteen thousand nine hundred seventy-five dollars (\$14,975.00) for work to be done in 2023. Seconded by Danna Truslow. All in favor.

Note: *Heather Reed left the meeting at 8:36 p.m. Karen Oliver was reseated.*

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

At 8:44 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 Sally King.

Roll Call: Jaci Grote – Aye; Danna Truslow – Aye; Susan Shepcaro – Aye; Sally King – Aye; Suzanne McFarland – Aye; Karen Oliver – Aye; Jeff Gardner – Aye

The Commission came out of non-public session at 9:15 p.m.

ADJOURNMENT

Motion by Jaci Grote to adjourn at 9:15 p.m. Seconded by Suzanne McFarland. All in favor.

Respectfully Submitted,
Dyana F. Ledger