

## **RYE CONSERVATION COMMISSION**

### **Site Walk Minutes**

**Thursday June 1, 2017**

Meeting was called to order by Chair King at 5:10 pm

#### **5:10 pm: 20 Hunterville**

Present: Chair Sally King, Members Suzanne McFarland, Susan Shepcaro, Heather Reed and Mike Garvan. David Clark, builder, represented owner Matthew Williams.

Owner Williams is adding a garage to an existing home on the lot. He has received a variance from the ZBA to construct the garage so that no part of it is closer than 3 feet from the property boundary of the adjacent lot owned by the Rye Conservation Commission (RCC).

Mr. Clark had marked the corner of the garage foundation and drip line as well as the property line between Mr. Williams' lot and the Conservation Commission lot. A new plan was prepared that shows the trees under discussion, and which shows the garage location. There is a large tree that straddles the line which Mr. Williams would like to remove. Because of its presence on both properties, the RCC defers to Mr. Williams and does not object to his removing the tree. The owner has also marked another tree for removal which is clearly on the RCC property. The RCC members unanimously voted to prohibit Mr. Williams from removing that tree. No pruning or trimming any branches of that or any tree on RCC property may be done without written approval from the RCC.

Mr. Clark presented a suggestion that the concrete truck for the foundation be allowed to place fill from the garage excavation onto conservation property to allow the concrete truck to get close enough to the foundation to pour the concrete. The concrete truck would drive onto conservation property and up onto the fill. The fill would later be removed from conservation property and used to return the area to grade. He and Member McFarland noted that the foundation could be poured using a pump truck. A pump truck could stay on Mr. Williams' property to pour the foundation but it would be more expensive. Member McFarland asked if the foundation could be poured in a two-step process by a regular concrete truck and thereby stay on the owner's property. Mr. Clark replied that it could be done but would require more than one scheduled trip and would therefore also be more expensive.

In exchange for the use of conservation land, Mr. Clark suggested a farmer's wall be constructed at Mr. Williams' expense along the property line at the completion of the project. Chair King pointed out that by ordinance new walls needed to be one foot from a property line. She suggested that if a wall were to be built, it should be on Mr. Williams' property. Mr. Clark noted that this would impede vehicles from entering straight into the new garage and was therefore impractical. Member Garvan suggested that the wall be constructed one foot onto the conservation property which would create an obvious delineation of the property line and potentially discourage any future encroachment. He noted that Mr. Williams' current paved driveway is located a couple of feet onto conservation land. Chair King and Member McFarland commented that the land was donated with the expectation of no further development and that a wall would violate the expectation of the donor. This could have an effect on future donors if they perceived that their wishes were not being respected by the RCC. The members present voted 4-1 to not allow any vehicles to travel on conservation property and that the property should be left as is except that the owner should tear up the asphalt on conservation property and return that to grade. Member Gardner had visited the project on a previous site walk and had

entered in writing his opposition to use of the conservation property for construction vehicles to make the vote 5-1. It was noted that the project should be monitored by the Rye building inspector to make sure that all the construction occurs within the boundary limits allowed by the ZBA variances.

Meeting adjourned at 5:50 pm.

Respectfully submitted,

Francis P. (Mike) Garvan II, Clerk