

RYE CONSERVATION COMMISSION

Site Walk Minutes

Tuesday, June 19, 2018

Meeting was called to order by Vice Chair McFarland at 4:30 pm.

RCC members present at site walks: Chair Sally King, Vice Chair Suzanne McFarland, Members Susan Shepcaro, Jeff Gardner, Jaci Grote, Heather Reed and Mike Garvan.

4:30 pm: 260 Pioneer Road, Tax Map 24 Lot110, Owner: Michael Simchik

Present: Mr. & Mrs. Simchik, Corey Colwell, TFMoran, Jacquelyn Nooney, JNL, Inc. and Peter Crawford

The Rye Conservation Commission (RCC) conducted a site walk at 260 Pioneer Road to evaluate an after the fact variance to allow a generator and propane tank in the wetland buffer. The generator and tank were sited in the buffer because all of the lot is in the buffer except for a small area next to and in the house. The owners chose the location because it has been less prone to flooding than other locations on the property. The RCC was not opposed to the generator being in that location given the constraints of the lot.

The RCC was also concerned about a Notice of Violation from the Rye Building inspector about tree cutting in the buffer. The owners had this NOV overturned by claiming that the trees cut on the property in the fall of 2017 were part of a forestry and woodlot management operation which was conducted in accordance with Forestry Best Management Practices (BMP) and so were exempt from the wetland regulations regarding cutting in the buffer.

Member Garvan was not in agreement with the owners' claim that it was an exempt activity because it was a forestry/woodlot operation. Member Garvan objected to this claim for several reasons:

- 1) There was no forest or woodlot management plan.
- 2) The selection and cutting of trees was not prescribed by a licensed forester or certified arborist.
- 3) There was no Wetlands Forestry Notification form filed with DES as required for a forestry operation in wetlands.
- 4) JNL, Inc., the landscaping firm that selected the trees and performed the cutting does not list anything related to woodlot or forest management in its services.
- 5) The basal area cut was not calculated by the owners or their agents.
- 6) It is not known if any of the trees cut were cavity trees - which are required to be left when cutting in a riparian area.
- 7) In light of all these factors it is apparent that BMPs were not followed nor does it qualify as a forestry or woodlot operation.

The RCC, the owners and their representatives then took a look at the two areas where the heaviest cutting occurred in the buffer. Member Garvan pointed out that in the easternmost area 24 trees were cut with a basal area of 156 square feet. However, the property is heavily wooded and it was apparent that more than 50% of the basal remained. The other area where extensive

cutting in the buffer occurred had 15 trees cut with a basal area of 100 square feet. This too represented less than 50% of the basal area in that part of the buffer so it was not a violation. Mr. Colwell still felt that it was a forestry operation due to the extensive cutting and the heavily wooded nature of the property. Member Garvan and the rest of the RCC felt that although it looked much like a forestry operation, the project was not conducted in the manner in which a forestry operation should have been and forestry best management practices were not followed. However, the RCC was pleased that the owners left a significantly wooded buffer but believes that a variance to cut in the buffer should have been applied for.

5:15 pm: 31 Parsons Road, Tax Map 20.2 Lot 47 Owners: Susan and Kevin Duplisea
Member Gardner was not present. Susan Duplisea was present.

The Rye Conservation Commission (RCC) conducted a site walk at 31 Parsons Road on June 19, 2018.

The owners have an approved variance from the Rye ZBA to replace their garage which was damaged by an errant postal truck. The current and proposed structures are within the 75 foot wetland buffer. The previously approved plan included a recommendation from the Rye Conservation Commission (RCC) to plant the wetland border with a vegetative buffer of native plantings. The site walk determined that the owners had only planted lilies along the boundary below the garage and had not added native plantings to the boundary behind the house. Chair King noticed that the wetland area behind the house boundary appeared to have had grass clippings and other material dumped in the wetland.

The area between the wetland and the garage and house is now lawn with no native plantings. The area behind the garage has a steep slope that ends at the wetland boundary. Member Shepcaro was concerned that runoff with possible contaminants such as fertilizer will drain from the lawn into the wetland. It is of special concern where the slope is steep. The RCC would like to see that the wetland boundary be planted with native plantings to a depth of 6 feet behind the house and that the entire steep bank behind the garage from the wetland to the break in slope be planted with native ground cover and plants from the NHDES native plants list. The RCC further recommends that no more dumping of any material into the wetland occurs.

6:00 pm: 820 Ocean Boulevard, Units # 1 and #2

Member Gardner was not present. Shannon Alther, TMS Architecture was present representing the owners.

The RCC conducted a site walk at 820 Ocean Boulevard to look at a wetland violation where two sets of stairs were installed in the tidal buffer. Units #1 and #2 had to be raised 3.5 feet to meet FEMA regulations. When the building was raised, it required the stairs to be 3 feet 8 inches longer and they then encroached on the buffer.

Mr. Alter's design filled in a previously existing gap between the two decks. The RCC felt that because of the encroachment some mitigation was called for. Mr. Alter agreed to installing 100 square feet of native plantings in the area between the stairs. The commission agreed that this was a satisfactory remedy.

Meeting adjourned at 6:15 pm by Chair King.

Respectfully submitted,

Francis P. (Mike) Garvan II, Clerk