

RYE CONSERVATION COMMISSION  
Site Walk Minutes  
Monday August 19, 2019

Chair King called the meeting to order at 5:00 pm.

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

**5:00pm** - 175 Harbor Road, Tax Map 92 Lot 022, Owner: Valley Family Trust

Present: Bruce Valley, owner and Steve Riker, Ambit Engineering.

The Rye Conservation Commission (RCC) conducted a site walk at 161 Harbor Road to review a proposal to construct a pier in Rye Harbor. The pier was originally built in 1990 and will be replaced in kind except that the float will be enlarged from 10'x20' to 10'x30'. The pier is owned by the Valley Family Trust and will be shared by 4 residences. Mr. Riker explained that all permits have been applied for and DES requirements have been met. The RCC members present had no objections to the project.

While reviewing the pier proposal, the RCC noticed that the recommended plantings at the residence at 175 Harbor Road had not been fully installed. The original plan for the residence as approved by the Planning Board and ZBA called for *rosa rugosa* plants to be installed along the length of the seawall. Mr. Valley has left a section of the wall with just lawn along the seawall. When this was pointed out by the RCC, Mr. Valley appeared to disregard the comments and switched the subject. The RCC members present believe that the property should comply with the originally approved plan.

**5:15pm** - 161 Harbor Road, Tax Map 92 Lot 023, Karin A. Finnigan, owner

Present: Steve Riker, Ambit Engineering, representing the owner.

The Rye Conservation Commission (RCC) conducted a site walk at 161 Harbor Road to review a proposal to construct a new pier in Rye Harbor. The deck will be pressure treated yellow pine and the dimensions are for a 40'x20' access, a 4'x156' pier and a 3'x40' gangway. . Mr. Riker explained that all permits have been applied for and DES requirements have been met. The RCC members present had no objections to the project.

**5:25pm:** RCC voted on paying Attorney Michael Donovan \$2,405 for work on the Seaglass development title transfer. Motion was moved by Member Gardner, seconded by Member Shepcaro and passed unanimously.

**5:45pm - 2250 Ocean Blvd, Tax Map 5.3 Lot 070, Owner: James Holland**

Present: Owners Jamie and Amy Holland, Alex Ross, Ross Engineering, and abutter Jeff Fort.

The Rye Conservation Commission (RCC) conducted a site walk at 2250 Ocean Boulevard on August 19, 2019 to review a completed project at that property. Mr. & Mrs. Holland and their engineer, Alex Ross, were present at the site walk. A concerned abutter, Jeff Fort, was also in attendance. The project involved the construction of a pervious driveway and patio. Much of the project is in the 100 foot tidal buffer. The entire lot is in the flood zone.

The RCC observed that the project had not followed the original, approved plan. The patio is larger than permitted and was constructed 9-10 inches from the property line where a 20' setback is required. There is also a 12' easement on either side of the property line. Mr. Fort stated that he approved of the original plan but the larger patio has created a visual hardscape that he finds unacceptable and the lack of sufficient set back from the property line is also unacceptable.

On March 1, 2016, the RCC wrote a recommendation letter for the original project recommending native plantings be installed along the lawn/seawall interface to a depth of 2-3' in order to slow and filter possible contaminants before they runoff from the lawn into the beach and ocean. The plantings would also aid in stabilizing the soil along the seawall to minimize erosion from storm events. Although there is a patch of *rosa rugosa* on the northern corner of the lawn, no other native plants have been installed. This recommendation was a condition of approval for the original plan.

The Hollands' son has health concerns that could be affected by certain plants. The RCC believes that the native plantings list has a large enough selection that a safe option can be chosen. The Rye Conservation Commission town web page has a list for salt tolerant planting choices for coastal properties. The RCC believes that size of the current patio is too large. Although the patio is permeable, it doesn't provide the same filtering and nutrient uptake that a lawn and plantings would.

The Conservation Commission recommends that:

- 1) The edge of the lawn along the seawall is planted to a depth of 3' with native, salt tolerant plants as originally required.
- 2) The patio is reduced in size to meet the 20' setback and the remaining area be planted to lawn. Planting a line of native plants along the property line would create a delineated buffer between the two properties.
- 3) The RCC reserves the right to visit the property to review the completed project.

**6:15pm - 200 Parsons Road, Tax Map 019 Lot 115, Owner: Paul Bacon**

Present: Alex Ross, Ross Engineering and for the last 15 minutes, Owner Paul Bacon.

The Rye Conservation Commission (RCC) conducted a site walk at 200 Parsons Road on August 19, 2019 to review the proposed projects at that property. Mr. Bacon and his engineer, Alex Ross, were present at the site walk. The plan calls for fill, regrading, a pervious boardwalk, gravel patio, greenhouse and retaining wall on the property. The dwelling, appurtenant structures, and proposed improvements are all within the 100 foot tidal marsh buffer. Virtually the entire lot is in the flood zone.

The RCC observed that there is a tractor, trailer, woodpile, stone pile, ladders and kayaks stored in a previously disturbed area to the west of the paved driveway. All of these items are within 20 feet of the marsh. Where Mr. Bacon's drawing indicates he has removed plywood on the edge of the marsh, he has added fill at the marsh edge around several trees and placed a table and chairs. The fill is high on the trees, above their root collars, thus endangering their survival. There is a 15' x 16' Quonset hut-like structure on the edge of and in the marsh on the southeast corner of the property in which the owner stores his tractor, mower, gasoline, oil and other items. Between the filled area and the Quonset hut, grass cuttings are being dumped in the marsh. It also appears that some fill and assorted material has been added along the marsh next to the hut.

Mr. Bacon has dug into the bank to the east of the house where he wishes to construct a retaining wall. There is an area next to the cut bank where small stones have been spread which is where he wishes to construct a gravel patio. This patio would be next to the unpermitted greenhouse which has been added to the east side of the residence. Mr. Bacon has constructed a wooden boardwalk adjacent to the house so that his elderly in-laws can safely go outside to enjoy the lawn and marsh view. There are several items such as small statuaries and a bird fountain installed along the edge of the marsh.

The Conservation Commission has many concerns about the past, current and projected activities on this environmentally sensitive property which has well over 100 feet of frontage along the marsh. As previously mentioned, virtually the entire lot is in the flood zone.

The RCC has the following recommendations:

- 1) The Quonset hut should be moved to the southwestern edge of the property adjacent to the paved driveway but should not be placed so that any part of it is more than 16' from the edge of the paved drive. The trailer could also be placed within the same 16' area. The tractor could also be stored in the hut which means it would not have to be driven across the lawn near the marsh to be stored where the hut currently stands. Mr. Bacon agreed to this at the site walk. The hut should be moved by October 31, 2019 and the area which it currently occupies should be restored with native vegetation by July 15, 2020.
- 2) The area beyond 16' from the paved drive should be cleaned up and restored. The woodpile, stone pile, kayaks, ladders and other items should be removed from that area. The area beyond 16' should be restored with native plantings and nothing should be stored there. Mr. Bacon agreed to this at the site walk. The assorted items 16 feet and beyond the paved drive in the southwestern corner should be removed by the end of October 2019. That area should be restored by July 15, 2020.
- 3) The retaining wall and patio can be constructed according to the plan provided that the edge of the patio is no closer to the marsh than the edge of the current greenhouse.

- 4) The greenhouse must be in the same footprint and extend no further toward the marsh than it currently sits.
- 5) The fill that has been recently added along the south edge of the property where the table and chairs exist should be removed since it was added in the marsh buffer without permit and is endangering the trees there. This should be accomplished by October 15, 2019.
- 6) No further fill should be added to the lawn area. The lawn isn't completely level but nor is it particularly steep. The lawn is in the buffer and borders the marsh and it would be detrimental to add further material.
- 7) The entire edge of the property where it borders the marsh should be planted to a depth of 5 feet with native plantings. This vegetative buffer will delineate the lawn/marsh edge and will serve to slow down and filter any contaminants from the lawn before they can enter the marsh. This should be accomplished by July 15, 2020.
- 8) The existing wooden boardwalk can stay so that the in-laws can safely navigate outside the house and enjoy the property.
- 9) The RCC reserves the right to visit the property to review the completion of each stage of the project.

At 6:35 pm Member Garvan moved that the site walk meetings be adjourned, Member Gardner seconded, all members were in favor.

Chair King adjourned the meeting at 6:35 pm.

Respectfully submitted,

Francis P. (Mike) Garvan II, Clerk