

RYE CONSERVATION COMMISSION

Site Walk Minutes

Wednesday, July 15, 2020

Meeting was called to order by Chair McFarland at 9:05 am. Alternate Members Oliver and Truslow were seated by Chair McFarland to replace missing members.

RCC members present at the site walks: Chair Suzanne McFarland; Sally King, Vice Chair; Members Karen Oliver, Mike Garvan, Danna Truslow, Jeff Gardner and Susan Shepcaro.

9:00 am: 40 Signature Drive, Tax Map 4 Lot 25-11, Owners: Ed Beckett & Lisa Phelan

Present: Ed Beckett & Lisa Phelan, Owners; Mark Perlowski, Persimmon Homes, builder.

The Rye Conservation Commission (RCC) conducted a site walk at 40 Signature Drive to inspect and discuss a timber trespass and property encroachment on conservation land at Map 4 Lot 032 which abuts 40 Signature Drive. At least 42 trees were cut on conservation property and some of the owners' lawn and mulch extend onto conservation land. Member Garvan distributed a list of trees that were cut which noted tree species, stump diameter and tree condition. These stumps were marked and photographed by Member Garvan.

Mr. Beckett explained that the lawn work and mulching were completed before they purchased the property. The builder originally told the owners that their property extended into the woods. Based on this information, they contracted Burton Dow of Seacoast Logging to remove trees which were dead or leaning. Mr. Dow cut at least 42 trees and may have removed some stumps at which point Peter Rowell, Rye Building Inspector, was made aware of the cutting. Mr. Rowell issued a cease and desist order and Seacoast Logging left the fallen trees where they lay.

Mr. Beckett and Ms. Phelan had the property surveyed. Their survey concurred with the survey done by Mr. Falzone, the developer, and the survey commissioned by the Conservation Commission and performed by James Verra. Mr. Verra installed several boundary signs along the property edge 1" onto the conservation land. It was apparent that the cut trees were on conservation land. The owners stipulated that they had made a mistake and wished to do the right thing to mitigate and repair the damage. A discussion ensued about what remedy was reasonable. Member Garvan noted that the RCC often requested landowners to replace cut trees with trees of identical size. However, he said that in this case that seemed excessive but he would like to see the same stem density on the property. That would require that 38 trees be planted on conservation land to replace the healthy trees that had been cut. Mr. Beckett inquired if they needed to be planted in the same places. The members thought that wasn't necessary and that the more open areas should receive a disproportionate number since the trees would do better there. Vice Chair King noted that the cut trees should not be removed but should be left in place for wildlife.

The group discussed if the trees needed to be the same species as had been cut. Member Truslow commented that because of the problem with the Hemlock wooly adelgid, hemlock probably shouldn't be planted. It was agreed that was a good idea and a planting plan should be professionally developed to show the size, species and placement of the replacement trees.

Member Truslow asked if something like blueberry bushes could be planted to replace the dead trees which had been cut. The owners were receptive to that idea. The blueberries would grow best in the open area between the lawn and the ledge area.

The discussion next centered on the lawn and mulch behind the house where it had been installed on conservation property. Mr. Beckett noted that one area of lawn on RCC property contained a sprinkler head. The RCC members agreed that all lawn and mulch must be removed from conservation property and that the owners should work with the builder to make this happen. The RCC had set up a meeting with the builder after the conclusion of the meeting with the owners and agreed to address this problem.

The plan that Mr. Beckett shared with the commission showed a foundation drain going from the corner of the house and porch and surfacing on conservation property. The group could not find where the drain surfaced. It was agreed this was another issue to take up with the builder since ordinances prohibit a property from draining its water onto the property of another landowner.

There is more encroachment of lawn and attendant mulch onto conservation land on the side of the property. This is of particular concern to the RCC since it impacts the entrance to the conservation land. This entrance is of even greater significance because the property is to be designated the Jim Raynes Forest in honor of Jim Raynes' decades of exemplary work for the town and the commission. Mr. Beckett noted that another sprinkler head is in this unauthorized lawn area and the RCC said it would address that with the builder.

The entrance to the RCC land also has an extensive drainage swale extending from the edge of the driveway to the woods road near the entrance to conservation land. This makes it very difficult to easily enter the RCC property. This is another issue to raise with the builder. Mr. Beckett and Ms. Phelan left the site walk at this point so the RCC could meet with the builder.

The RCC then met with Mark Perlowski, Persimmon Homes, the builder of the house at 40 Signature Drive. The RCC brought up the issues of lawn encroachment, the foundation drain and the drainage swale. Mr. Perlowski said he would have the sprinkler heads removed and the lawn and mulch taken up where it was installed on conservation land. He would look into the foundation drain discharging offsite. The need to have a level, accessible entrance to the conservation trails was discussed. He said he would also look at the storm drainage plan but that plan was developed and executed by the developer, Mr. Falzone. Member Truslow agreed to summarize the drainage problem and provide the information to the Planning Board.

The meeting was adjourned at 10:30 am by Chair McFarland.

Respectfully submitted,

Francis P. (Mike) Garvan II, Clerk