

## **RYE CONSERVATION COMMISSION**

### **Site Walk Minutes**

**Thursday, July 15, 2021**

Meeting was called to order by Chair McFarland at 2:05 pm.

RCC members present at the site walks: Chair Suzanne McFarland; Members Danna Truslow, Susan Shepcaro, Karen Oliver and Mike Garvan. Chair McFarland seated Alternate Member Oliver to replace Jaci Grote.

### **2:00 pm: 824 Ocean Boulevard, Tax Map 23.1 Lot 29-01 Owner: Sally Sheehan**

Present: Chuck White and Bryan Brown, Gray Construction, representing the owner.

The Rye Conservation Commission (RCC) conducted a site walk at 824 Ocean Boulevard on July 15, 2021 to review the completion of a project at that property. Chuck White and Bryan Brown, Gray Construction, were on site to present the project on behalf of the owner.

The driveway consists of 12" of crushed stone and is permeable. The pervious pavers will be installed after Labor Day with the crushed stone as the substrate. Eight pots of native grass were planted to replace the non-native grasses which were previously on the lot.

The RCC recommendation and ZBA notice of decision called for the transplanting of the existing *rosa ragosa* bushes. This was done but none survived. Four potted *rosa ragosa* plants were on site and will be planted when the owner decides where they will be placed. The RCC doesn't care where on the property they are planted since the lot slopes away from the ocean and no runoff will discharge from the lot toward or into the ocean. The plants are recommended for soil stabilization and retention and will be effective for that purpose wherever the owner decides.

The Conservation Commission believes that the requirements of the ZBA Notice of Decision over which the RCC has jurisdiction have been met and recommends that a Certificate of Occupancy be issued.

### **2:30 pm: 588 Wallis Road, Tax Map 16 Lot 89. Owner: Julia Perez**

Present: Vice Chair Sally King joined the site walks. Julia Perez, William Perez, Mike Call and Mark West, West Environmental.

The Rye Conservation Commission (RCC) conducted a site walk at 588 Wallis Road to assess a proposal to remove invasives on the newly acquired property. The property has numerous invasives such as buckthorn and bittersweet on both sides of the driveway and on other portions of the property. Much of the removal work is in the 75 foot wetland buffer. No trees would be cut along the driveway. The owner would also like to clean up some junk that exists in the buffer beside and behind the house. They plan to use a small Bobcat with tires to remove the rubbish. There are more invasives behind the house that would be removed. There is one dead tree in the back yard that would be removed but the stump and roots would remain.

The Conservation Commission had no objections to the work being done as described.

**3:00 pm: 705 Brackett Road, Tax Map 17 Lot 34-2 Owner: Joel Feid**

Present: Joel Feid, Owner.

The Conservation Commission conducted a site walk at 705 Brackett Road to evaluate a proposal to remove four large (greater than 4.5 inches in diameter at 4.5 feet of height) trees in the wetland buffer. Mr. Feid presented the project. He said that the trees he wishes to cut are crowding other trees in the buffer and believes that increased sunlight will improve the surrounding trees. He noted that he has added four 7-10 foot tall trees, five mature viburnums and several shrubs in the buffer. He would like to add a minimum of two native trees and four shrubs in the buffer.

The RCC members did not see the need to remove any large trees in the buffer. The buffer consists almost entirely of large trees; the owner has removed almost all the small existing native trees and shrubs in the understory giving the buffer a park-like appearance. At least one of the trees planted in the buffer is a non-native species (Fraser fir). Mr. Feid has planted some areas in the buffer with beds of non-native plants and has covered the beds with bark mulch.

The Conservation Commission noted that when the home was originally built, the RCC and the Zoning Board of Adjustment (ZBA) worked with Mr. Feid to create a fair and workable solution to his original application to build. The current wetland buffer on the lot is 75 feet from the wetland. At the time the lot was originally created, the buffer was 50 feet. The ZBA, with RCC recommendations, allowed Mr. Feid to have some of his home and his lawn in the 75 foot buffer but required that the 50 foot buffer boundary and use restrictions be strictly adhered to. Mr. Feid has planted non-native vegetation in the 50 foot buffer and added bark mulch in parts of that buffer.

Mr. Feid expressed some disappointment in the comments of the commission members because he has done extensive landscaping to improve the appearance of the lot. The vegetation he has added is visually attractive but it is not in complete compliance with Rye's wetland ordinances governing wetland buffers. The RCC finds it is common to have this difference of purpose on properties that are sensitive because of wetland and buffers on the lot. The landowner is focused on making their lot as esthetically pleasing as possible. The Conservation Commission is focused on making wetlands as protected and as naturally functioning as possible. The RCC has accommodated Mr. Feid in the past and allowed a tree removal and a shed installation on the west side in the buffer. The RCC stated that it does not see the need to remove any more large trees in the 50 foot buffer. No more non-native trees or shrubs should be planted in the 50 foot buffer. The bark mulch in the 50 foot buffer should be replaced with salt marsh hay.

Mr. Feid then said he was considering an addition to his deck. This addition would be in the 75 foot buffer. He showed the RCC members the approximate location. Chair McFarland said that he should present his plan at the next regular meeting of the commission and the RCC would consider it.

**3:30 pm: 200 Parsons Road, Tax Map 019 Lot 115 Owner: Paul Bacon**

Present: Owner Dr. Paul Bacon

The RCC conducted a site walk at 200 Parsons Road to see if the conditions of the Zoning Board of Adjustment (ZBA) Notice of Decision for the property had been completed.

Dr. Bacon contracted with Green Penguin Landscaping to remove the dirt and fill on the southwest side of the property beyond the edge of the paved driveway extension. He was supposed to plant native plants or trees at the marsh edge where possible and leave the large trees in that area. The old fill was removed exposing the rock ledge adjacent to the marsh. Dr. Bacon then created two rock enclosures on different levels of the ledge and filled them with loam. He then planted 8-10 arborvitae in the new terraces. The existing large trees are in the upper rock enclosure and their roots and some of the root collars are covered in soil which could suffocate them.

Dr. Bacon explained that it looked nicer and that he had to bring in soil or no trees could be planted and expected to survive. Chair McFarland pointed out that the area was to be returned to its original, natural state and that it would not be a problem if no trees could be planted. The whole point of removing the old fill was to return the marsh boundary to its original state. The lower terrace of rocks and fill is almost 2 feet higher than the marsh. Dr. Bacon then explained that he was worried that the large tree wouldn't survive with the roots exposed after the excavation by Green Penguin. Chair McFarland replied that Jason from Green Penguin had said the tree would be alright with its roots exposed to that degree.

The commission then looked at the rest of the property along the marsh edge. Dr. Bacon has planted native vegetation along the property where it abuts the marsh. The area where the Quonset hut was removed has been cleaned up, as had almost all the marsh border.

The RCC told Dr. Bacon that they would have to report to the ZBA that the requirements of the Notice of Decision had not been met and that the commission would recommend removal of the rock wall terraces and fill as well as the newly planted trees.

**4:00 pm: 62 Elwyn Road, Tax Map 24 Lot 12 Owners: Kate and Arlen Murphy**

Present: Kate Murphy, owner.

The RCC conducted a site walk at 62 Elwyn Road to evaluate a request to cut down several large (greater than 4.5 inches in diameter at 4.5 feet of height) trees in the wetland buffer. The lot is 41 acres with 23 acres of wetland. The Murphys had a forester look at the property and its forest resources. They wish to remove an oak tree in back of the house to allow installation of solar panels on the south roof. They also wish to cut several white pine trees in the wetland buffer on the north side of the house. These trees are a threat to the house. They want to cut one dead tree

on the west side of the house but the RCC believed that should be left for cavity nesters and other wildlife.

The property is heavily forested and the commission did not have an objection to the cutting of the trees, all of which the owners had marked with flagging. The RCC requested that as much cutting as possible be done outside of the bird nesting season. The Murphys commented that the forester told them about the abundance of invasives such as bittersweet and buckthorn on the property. The RCC recommended that a program of eradicating invasives be incorporated into a forest management plan for the property. Ms. Murphy agreed and said that was their intention.

Chair McFarland presented a bill for \$2,645 for BCM, invoice #5371 for legal work and a bill for \$19.61 from Eversource for Goss Farm electric. Member Reed made a motion to pay, seconded by Member Garvan. All in favor.

Vice Chair King made a motion to adjourn seconded by Member Reed. All in favor.

The meeting was adjourned at 4:25 pm by Chair McFarland.

Respectfully submitted,

Francis P. (Mike) Garvan II, Clerk