

RYE CONSERVATION COMMISSION

Site Walk Minutes

Thursday, August 19, 2021

Meeting was called to order by Chair McFarland at 3:03 pm.

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

3:00 pm: 30 LaMer Drive, Tax Map 013 Lot 040, Owners: Chuck & Lindsay Beynon.

Present: Representing the owners - Corey Colwell, TF Moran; John Bosen and Chris Mulligan, Bosen & Associates; Owners Chuck and Lindsay Beynon. Members of the public: Joanne & Howard Kalet, Babs Dallmeyer, Melody Mueller, Earl Sheesley, Dick & Amelia McKenny, Jerry & Mercedes Clinton, Dana Heaney, and Linda Heaney Cavanaugh.

The Rye Conservation Commission (RCC) conducted a site walk at 30 LaMer Drive on August 19, 2021 to observe a swing set structure that has been constructed in the wetland buffer. The Rye building inspector issued a Notice of Violation since the structure was constructed without permitting from the Town of Rye or the NH DES. The structure is within 10 feet or so of the property boundary and the tidal wetland boundary on Awcomin Marsh. The structure is also with the 30-foot rear yard setback and possibly within the 20-foot side setback. The Conservation Commission is the abutter on the rear yard which gives the RCC standing to comment. The structure impacts 545 square feet of the buffer and has an 8 foot by 8 foot, two-story shelter with a wooden floor that is impermeable.

The RCC members expressed their concern that the structure is located so close to the wetland, especially considering that there are other suitable locations on the lawn. It was acknowledged that almost all of the backyard lawn is in the 100 foot tidal buffer. The corner where the structure was placed is the wettest part of the lawn. In fact, cattails have migrated from Awcomin Marsh and are flourishing a few feet from the structure. The play set is also partially within the 15 foot vegetative buffer recommended by the RCC and required by the ZBA in the initial permitting process for the residence.

Chuck Beynon said that the location was chosen to maximize the use of the lawn area so that other activities such as baseball and soccer could be played. Lindsay Beynon noted that she can see the swing set structure from the living room and kitchen so she could monitor the activity of children playing on the structure.

A number of the neighbors and abutters spoke of their objections to the structure. Joanne Kalet, 90 Colbourn Road, noted that the placement of the structure so far from the house was not particularly safe since the parents would have so far to go in case of an accident. The wetness of the area will undoubtedly lead to a muddy, slippery and compacted surface which will be a hazard to children at play. Gerry Clinton, 1535 Ocean Boulevard, said that he also abuts Awcomin Marsh and was denied a permit to construct a shed on his property because it was in the buffer. Mr. Clinton commented that the swing set structure was much bigger than his proposed shed. Others commented negatively on the size and location of the structure.

Corey Colwell, TFMoran, discussed where the 50 foot and 100 foot buffer lines were and made approximate delineations of them for the RCC and the public. The RCC members believed that the structure should be moved out of the 50 foot buffer at a minimum and preferred 75 feet of distance from the marsh. Mr. Beynon commented that the lawn had some slope to it, so some excavation or digging would be required to create a level surface area for the structure. RCC members felt that some buffer disturbance 50-75 feet from the marsh was preferable to having the structure sited within 10 feet of the marsh.

The Conservation Commission requested that Mr. Colwell locate a potential location for the structure at least 50 feet from the tidal wetland. The Beynons agreed to that suggestion and the RCC and the public were told that this would be done and that there would be a subsequent site walk to consider the new proposed location. Mr. Colwell said he would notify the RCC when the owners had decided on an alternate location and he had marked it; then a site walk would be scheduled to evaluate the new location.

3:45 pm: 1 Rands Lane, Tax Map 19 Lot 7-1, Owners: Chris & Meaghan Barretto

Present: Owners Chris and Meaghan Barretto and Bill MacDonald, Artisan Grounds Landscaping

The Rye Conservation Commission (RCC) conducted a site walk on August 19, 2021 at 1 Rands Lane to assess a proposed project to construct a bluestone patio on the property. The property abuts a wetland and much of the lot appears to have been created by adding fill. All of the project is in the 75 foot wetland buffer and ranges from 22 feet to 50 feet within the buffer. The patio will be 500 square feet in size and will be made with permeable bluestone. There will also be a walkway from the house to the patio that is partly in the buffer.

Functionally there is no other place to site the patio and have it be usable for the owners. The lawn below the patio runs between the driveway and the wetland boundary all the way to Rands Lane. This portion of the lawn is extremely wet whereas the patio location is raised and dry.

The owners were uncertain where the wetland boundary was so the RCC members suggested they engage a certified wetland scientist to mark the boundary. That way the owners and the RCC could see exactly how close to the wetland the patio would be. The RCC members then requested that the proposed patio and path location be marked on the ground for a future visit.

Mr. and Mrs. Barretto agreed and said they would contact the RCC when the work had been completed.

The meeting was adjourned at 4:15 pm by Chair McFarland.

Respectfully submitted,

Francis P. (Mike) Garvan II, Clerk