

RYE CONSERVATION COMMISSION

Site Walk Minutes

Monday, October 4, 2021

Meeting was called to order at 4:10 pm by Chair Suzanne McFarland. Chair McFarland seated alternates Jeff Gardner and Karen Oliver to replace members Danna Truslow and Vice Chair Sally King.

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

4:00 pm: 261-279 Pioneer Road, Tax Map 24 Lot 117 Owners: Arthur and Sharon Pierce
Present: Attorney Bernie Pelech, representing the owners.

The Rye Conservation Commission (RCC) conducted a site walk on October 4, 2021 at 261-279 Pioneer Road to evaluate a project to convert rental units to condominiums on a property that abuts the marsh at Berry's Brook/Seavey Creek. Almost all of the lawn, much of the paved driveway and most of one building are in the 100 foot wetland buffer that the Rye wetland ordinances require for Berry's Brook. There are also 3 sheds and a dumpster in the buffer. The marsh that abuts the subject property is owned by the Town of Rye and managed by the Conservation Commission. This is the first opportunity that the RCC has had to visit the lot.

Attorney Bernie Pelech presented the project to the RCC members. He noted that the property has existed in this configuration for at least forty years. He said that the canvas shed would be removed but that he believed the shed nearest the marsh should be grandfathered. The commission noted another shed in the buffer that was against the building which houses units #7 and #8. The RCC noticed that there has been dumping of material in the wetland on the west side of the lot. The owners or tenants have also mowed a six foot path a couple of hundred feet across the marsh into Berry's Brook. The path is entirely on Rye conservation property.

As previously noted, almost all of the lawn is in the buffer. It appears to be unfertilized and consists mainly of grass, clover and wild strawberry yet it is still a prohibited use in the buffer. The commission recognizes the historic use of the lawn but strongly believes that some mitigation is required to protect the marsh and estuary. Rather than recommend a 10 foot native planting strip along the entire edge of the property bordering the marsh, the commission believes a far more economical and effective solution would be to have the first 50 feet of the buffer return to its natural, unmown state. This 50 foot vegetative strip would provide filtration of runoff and potential contaminants before they get to Berry's Brook/Seavey Creek. It would allow the tenants use of part of the lawn that is in the buffer while also providing a protective barrier along the edge of the marsh. If the current or future owners of the property wished to plant native plants along the fifty foot buffer lawn edge for esthetic reasons, the RCC would not object.

Correcting ordinance violations is routinely done when new projects appear before the Zoning Board of Adjustment (ZBA) asking for relief. This project should be no exception. There are numerous wetland violations on the site and now is the time to address them. The RCC believes there is no justification for letting these violations, however old, be overlooked or “grandfathered”. The wooden shed in the buffer is small and could be easily moved to a location out of the wetland buffer as could the canvas shed and the composite shed by the building. Similarly, the dumpster is portable and can be moved out of the buffer.

The Berry’s Brook watershed has been given the special protection of a 100 foot buffer because of problems with water quality in the watershed. The subject property is a sensitive area that abuts the estuary. Sections of the lot have been identified as a protection priority zone (see attached water resource map). To help protect this watershed, the Conservation Commission recommends:

- 1) The first fifty feet of the 100 foot buffer should be left to grow without mowing or cutting to provide a vegetative strip to protect the marsh and estuary.
- 2) The wetland buffer should be marked at the edge of the 50 foot vegetative strip with the “Wetland Buffer – Do Not Disturb” signs available at the Rye Building Department. These signs will inform the residents of the buffer boundary thereby decreasing the likelihood of future violations. The Conservation Commission will mark the town conservation land with our boundary signs.
- 3) The three sheds that are in the buffer should be removed and relocated outside the buffer. Should the ZBA not agree, the RCC recommends that any remaining sheds be restricted from having any petroleum products, pesticides, chemicals, fertilizer or other contaminants stored within.
- 4) There should be no dumping of material or debris in the wetland and existing material should be removed.
- 5) The dumpster should be relocated outside the buffer.
- 6) The path on conservation property should be left to grow back to its natural state.
- 7) The invasive bittersweet in the buffer should be removed.

Note: While the RCC was waiting for a quorum of members to arrive at the site walk, Liz Morris, a resident at 291 Pioneer Road spoke to the group about her concerns regarding a duck blind that has been constructed on the marsh at Berry’s Brook/Seavey Creek. She expressed safety concerns as well as concerns about the effect of the blind on the marsh grass. The blind is on Rye conservation property. Mike Garvan suggested she come to the next regular meeting of the commission on October 14, 2021 so that the RCC could have a full discussion of the matter.

4:30 pm: 1090 Washington Road, Tax Map 6 Lot 28 Owner: AMS Sporthorses, LLC

Present: Principals David Tromp and Allyson Siopes. Member Gardner did not attend this portion of the site walk.

The Rye Conservation Commission (RCC) conducted a site walk at 1090 Washington Road to monitor the activities on that property to ensure compliance with the existing conservation easement.

The garlic plot has been removed. The fields to the west of the paddocks have been partially fertilized with manure. Mr. Tromp cut and removed small trees and brush along the western edge of the property along the treeline. He did this after consulting with Chair McFarland. The area looks well maintained and will be seeded next spring.

The hoop houses in the vegetable gardens have been removed and sold. Mr. Tromp explained that it was too difficult to hire enough employees to tend the garden and that vegetable production has been discontinued. He will plow and level the area.

The manure storage has been greatly improved. The manure piles are in smaller, shorter and lower rows which allow the manure to age quicker. There is no more debris in that area.

Mr. Tromp wishes to remove one tree near the well. The tree appears to be weak and isn't thriving so the RCC members did not believe that removal would be a problem. He also proposes to add stone dust to the paddocks in that area which seemed reasonable.

The meeting was adjourned at 5:12pm by Chair McFarland.

Respectfully submitted,

Francis P. (Mike) Garvan II, Clerk