

RYE CONSERVATION COMMISSION

Site Walk Minutes
Tuesday, July 7, 2020

Meeting was called to order by Chair McFarland at 10:35 am.

RCC members present at the site walk: Chair Suzanne McFarland; Sally King, Vice Chair; Members Karen Oliver, Heather Reed and Susan Shepcaro.

10:00 am: 200 Parsons Road, Tax Map 19 Lot 115, Owner: Paul Bacon

Present: Milon Marsden, Rye Building Inspector and Patty Weathersby, Chair, Rye Zoning Board of Adjustment. Mr. Bacon joined the meeting near the end.

The Rye Conservation Commission (RCC) conducted a site walk at 200 Parsons Road to assess the ongoing project there to see if Mr. Bacon had complied with The ZBA Notice of Decision (NOD) regarding requested variances. Building Inspector Peter Rowell had scheduled the meeting but was on vacation so Milon Marsden attended instead. The members used the ZBA NOD dated 11/16/2019 and the site plan labeled "B" prepared by Ross Engineering.

RCC members present and Ms. Weathersby noted the following concerns:

1. In the area adjacent to the road, the plan calls for a fence parallel to the road. The fence is shown with four (4) fence posts and 3 ½ sections of fence. The fence posts are set in concrete in large sonotubes. Gravel has been placed under the fence. Mr. Bacon has installed a large trough-like planter level with the end of the fence; this is not shown in the plan and is in the wetland buffer. The planter should be removed.

The existing fence has seven (7) posts and it wraps around the corner along the edge of the driveway forming an "L". As a result, the fence is longer than on the plan and the wraparound corner extension in front consisting of two sections needs to be removed. The last post toward the marsh should be removed. The ZBA did not approve of sonotubes for the fence posts so when the sections of fence are removed, the cement footings must also be removed.

There are several violations regarding Condition #1 of the NOD. While some things mentioned in the NOD have been removed, many things have not. A partial list of things still in the area is: dirt pile, steel girder, Kubota tractor, chair, snowplow blade, cinder blocks, pile of gravel, pile of mulch, and miscellaneous debris. At the back of the area there is a small cinder block retaining wall which was not observed in previous visits because of the wood piled in the area. The retaining wall should be removed.

Starting 16 feet beyond the parking lot pullout, the entire area is required to be cleared of all debris, machinery, etc. The area beyond 16 feet of the paved drive was required to be restored and planted with native plantings. This has not been done.

2. In the backyard, some native plantings are in evidence but the marsh border was required to be planted to a depth of 5 feet with native plants. This has not been done. The RCC also observed plant and pottery debris dumped in the marsh. This must be removed.

In the area that formerly housed the Quonset hut, RCC observed substantial vegetative debris being placed in the marsh as fill. This area is now covered with wood chips. This area was required to be restored and to be planted to a depth of 5 feet with native plants or allowed to be reclaimed by the marsh. This has not been done.

3. The area where Mr. Bacon was to construct a patio is filled with saw horses and construction material.

In summary, Mr. Bacon has not followed the requirements of the ZBA Notice of Decision. He continues to use the wetland buffer as storage for debris, plows, lawn equipment, cinder blocks, a propane tank, etc. He has not planted the required native plants and has constructed a fence along Parsons Road that is much larger than requested and approved on the plan. The Conservation Commission recommends that the Building Inspector issue a Notice of Violation to the owner since he has not complied with the recommendations of the RCC and the requirements of the Zoning Board of Adjustment Notice of Decision by the July 15, 2020 deadline.

The meeting was adjourned at 11:15 am by Chair McFarland.

Respectfully submitted,

Francis P. (Mike) Garvan II, Clerk