

TOWN OF RYE CONSERVATION COMMISSION

Thursday, May 11, 2023

6:30 p.m.

Rye Town Hall

Commission Present: *Chair Suzanne McFarland, Vice-Chair Sally King, Susan Shepcaro, Danna Truslow, Mike Garvan, Karen Oliver, Joe Tucker, and Alternate Jeff Gardner*

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair McFarland called the meeting to order at 6:35 p.m. and led the Pledge of Allegiance.

II. SEATING OF ALTERNATES

None

III. APPROVAL OF MINUTES

- April 13, 2023

The following corrections were noted:

- Page 6, 5th sentence should read: **Chair McFarland and Member Shepcaro agreed with the work being proposed.**
- Page 7, 1st paragraph, 1st sentence should read: **Member Shepcaro explained the dead tree branches are being taken down, but the snags are going to stay.**
- Page 7, 1st paragraph, last sentence should read: **There is still an opportunity to get a good planting buffer installed by the developer.**
- Page 7, last paragraph, 1st sentence should read: **Chair McFarland reported that she and Corey Belden met with Jim Verra regarding the recreation department survey.**
- Page 8, last paragraph, 2nd sentence should read: **They have chosen the Goss Farm as the location of their project and will be presenting to the group.**
- Page 8, last paragraph, 3rd sentence should read: **The project involves iNaturalist, which is an app for phones, laptops, and iPads.**
- Page 9, 1st paragraph, last sentence should read: **On May 13th, a mini bioblitz and a tour is being held at the farm for families and school children to have them find insects and plants.**
- Page 9, 2nd paragraph, 1st sentence should read: **Vice-Chair King stated that part of the project is also to change the wildlife flower configuration for the east side acre of wet meadow, which will be burned on April 17th.**
- Page 9, 2nd paragraph, last sentence should read: **She noted that they are trying to find a wildflower planting mix that is more sustainable and native.**

- Page 9, 2nd paragraph, 2nd sentence should read: **The cost of the linden tree is being split with the Rye400 and they are doing the planting.**
- Page 9, 5th paragraph, 1st sentence should read: **Chair McFarland stated that everyone on RCC has received the letters of interest**
- Page 10, 1st paragraph, last sentence should read: **Site walks are one of her favorite parts of being on RCC.**
- Page 10, 2nd paragraph, 2nd to last sentence should read: **She would love to be a RCC member again.**
- Page 13, 1st paragraph, last sentence should read: **She suggested putting up signs on the edge of properties asking for dog waste to be picked up, as she is seeing dog waste on all the properties.**
- Page 4, 1st paragraph, last sentence should read: **As a result of reducing the scope of the project, the pervious coverage is being reduced and is not increasing over existing conditions.**

Motion by Mike Garvan to approve the minutes of April 13, 2023 as amended. Seconded by Danna Truslow. All in favor.

IV. WETLANDS

1. 60 Wentworth Road, Tax Map 024, Lot 061-026

Owner: William Binnie

TF Moran – Corey Colwell

Variances: §190-2.3.C(2) and §190-5.0.C: Parking §190-3.1.H.2.(a), (g): 75' Wetland Buffer

Parking area – revised

- Withdrawn

2. 440 Sagamore Road, Tax Map 18, Lot 51

Owner: Susan and Anthony Farmer

Mission Wetlands, Northam Survey LLC, Woodworth Builders

Variances: §190-3.1.H(1)(2): Wetland Buffer

Renovate existing barn into habitable space, extend rear deck 10', construct workshop + 1-car single story garage with extended driveway, replace pool deck with pervious pavers

Susan Farmer, applicant, (via Zoom), noted that she read the minutes from the Commission's last site visit. It appears that additional information is needed. One of the requests from the Commission was to delineate the 50' buffer from the wetlands on the map. She pointed out the delineation that was added on the map.

Chair McFarland summarized that the stormwater management plan and the calculations were submitted. The landscaping plan was also submitted. She asked if the 50' buffer was marked on the site in case the Commission wanted to do another site walk.

Mrs. Farmer noted that the request was to just have the 50' setback marked on the plan. The letter from the Commission does not mention marking the site.

Chair McFarland noted that the plant legend was also received, which was prepared by Bayberry and Company.

The Commission reviewed the landscape plan. They also reviewed the stormwater management plan. Member Truslow agreed to work with the homeowners in regards to the stormwater management plan. Member Truslow will report back to the Commission so a letter can be drafted for the ZBA meeting. It was agreed that an additional site walk is not needed; however, the members may visit the site on their own if needed.

Mrs. Farmer noted that in the minutes from the meeting when this project was first presented to the RCC, there was mention about ripping up the basketball court and making the entire driveway pervious. She explained that when they went to the architect a year and a half ago, a two-car garage was proposed. When it was being added to the plans, it was found to be over on the impervious lot coverage, which is a maximum of 15%. It was then decided to make the garage a one-car garage, instead of a two-car garage, in order to not have the expense of putting in pervious pavers for the driveway. The plan that is proposed is at 15%. She commented that ripping up the driveway and putting in pervious pavers is a lot more expensive and is a hardship on their side.

Member Garvan noted it's outside the 75' buffer, which is usually what the RCC cares about. It's not over 15% and it's not in the buffer, so it's a non-issue.

Referring to the minutes of that meeting, Chair McFarland clarified that it says the pool deck is being replaced with pervious pavers.

Mrs. Farmer replied the pool deck is not a problem.

Chair McFarland further clarified that the minutes just say the driveway is being extended, not that it was pervious pavers.

The Commission agreed that RCC was not requesting that the driveway be replaced with pervious pavers.

3. 5 Sea Road, Tax Map 2, Lot 19, Rye Beach Village District

Owner: Michael and Elizabeth Garceau

TF Moran, Attorney Tim Phoenix, Terra Firma Landscape Architect

Variances: §190-3.4.B.(1), (8)

Patio/sitting wall/fireplaced, hot tub revision – previously approved in 2017

Chair McFarland noted this is a project the Commission has already seen. RCC had stated in the recommendation letter that they were okay with a larger patio. The proposal has changed to actually shrink the patio. This property is located in the Rye Beach District.

The Commission agreed that a second site walk was not needed. There were no issues or concerns. Member Shepcaro agreed to send a letter to the Rye Beach Zoning Board stating that RCC is fine with the change.

4. 731 Central Road, Tax Map 5, Lot 1, Rye Beach Village District

Owner: Abenauqui, Country Club

Altus Engineering, Gove Environmental Services, James Verra & Associates

Construct two platform tennis courts and new parking lot

Eric Weinrieb, Altus Engineering, presented the proposal for the Abenauqui Country Club. The proposal is to construct a new parking lot, two platform tennis courts, and a small building for bathrooms and storage of equipment. Mr. Weinrieb pointed out the location on the plan for the pond and the treatment swale, which turns into a wetland. He reviewed the location for the work being proposed. He also pointed out the location for the new pedestrian walkway leading to the clubhouse. A pre-application meeting has been scheduled with DES to discuss the wetlands permitting.

Member Shepcaro commented this is taking a man-made wetland and turning it into something else. The wetland is being filled.

Mr. Weinrieb explained that for the permitting process there is a requirement for avoidance and minimization.

Brenda Quigley, Gove Environmental Wetland Scientist, spoke to the Commission about the required mitigation process for permitting with DES. As part of the mitigation, the proposal is required to go before the RCC to ask about possible “shovel ready” mitigation projects. The intent is to give the town an opportunity to have the mitigation done locally. There are several requirements surrounding suitable mitigation projects because DES reviews it with a critical eye as to value and sustainability. He proposed going through the DES Aquatic Resource Mitigation Fund, which are funds that are distributed through a grant proposal basis to towns and entities for projects reviewed for conservation purposes. The projects are generally high value larger projects. The funds are limited to the watershed to which the project takes place. Mr. Quigley noted there are a few preliminary steps. One of the steps is coordinating with the NH Natural Heritage Bureau, and Fish and Game, who have signed off on the project already with some suggestions.

The Commission reviewed the proposal.

- **Site walk scheduled for Friday, May 19th, 10:30 a.m.**

5. 0 Jenness Ave., Tax Map 8.4, Lot 48

Chair McFarland noted that it was stated at the site walk that there would be a larger bioretention area. RCC has the paperwork for it and it is on the ZBA agenda. She asked the Commission if they feel differently about the proposal because of the change.

After discussion, it was agreed that RCC should wait to respond until the information from the peer review on the stormwater management plan, requested by the ZBA, is received.

V. PENDING SITE WALKS AND REVIEWS

- 1. 28 Cable Road** – tree removal – done, finalize letter – Mike, Jeff, Kara
- 2. 2230 Ocean Boulevard** – plantings – go again – Karen, Kara
Karen Oliver and Susan Shepcaro to revisit
- 3. 27 Parsons Road** – 85% survival – schedule
Sally King and Jeff Gardner
- 4. 16 Richard Road** – plantings – drive by
Sally King and Jeff Gardner
- 5. 1306 Ocean Boulevard** – plantings
Suzanne taking photos
- 6. 46 Pollock Drive** – plantings – schedule
Karen Oliver and Susan Shepcaro
Note: *Joe Tucker will attend as many site visits as possible.*

VI. OTHER BUSINESS

1. ZBA Update

Member Shepcaro reported that there were six or seven applications before the ZBA that were of interest to RCC. The first application for 1701 Ocean Boulevard was approved. The property owner went back and forth between RCC and ZBA, which worked out very well. Every issue the RCC and ZBA had were worked out by the property owner. The plans actually list the recommendations of the RCC. She commented that it was worth all the back and forth. Other ZBA applications of interest to RCC were continued.

2. Disposition of unauthorized blinds and stands

Member Garvan reported there's a new duck blind in Seavey Creek. Member Gardner noted it's a bit smaller than the last one and is in the same location. The rules are that it should have been taken down by January 31st. There are no labels on the blind.

Chair McFarland noted there is also a tree stand in the location of the connection between the Jim Raynes Forest and Cedar. Resident JM Lord reported this and said it has been up for two to three years.

Member Garvan explained that he puts flagging on the blinds and stands to make them visible. He also posts a Ziploc bag to the structure with the rules inside and his phone number. Sometimes the owners call and sometimes they don't. He suggested this be done with the blind in Seavey Creek. He further explained the blinds/stands need to come down by January 31st and a new one can't be put up until August 1st, which mirrors the rules by Fish and Game. The reason is for safety and the other reason is a hunter could just claim the spot forever.

The Commission agreed that a date should be given for removal and if not removed within thirty days RCC will take it down. Chair McFarland will find out what RCC is allowed to do with surplus equipment; such as, selling it off with the proceeds going towards Goss Farm.

3. Jackie Doherty, 4 Washington Road

Jackie Doherty spoke to the Commission about the plantings for her property at 4 Washington Road. She assured the Commission that they are committed to getting the plantings in soon. She would also like some help with where to find the correct plants for the buffer.

Chair McFarland will update Land Use Assistant Kara Campbell about this project. She noted that there are multiple planting lists. The salt tolerant plants should be used for this property. She asked Mrs. Doherty to keep the Commission updated when the work has been completed.

4. Rye Water District – Wright Pierce Presentation

Rye Water District Commissioners Ralph Hickson, Scott Marion, and Rosalie Lopresto met with the RCC to review the draft application prepared by Wright-Pierce Engineering, which will be sent to the Natural Resources Conservation Service (NRCS). The letter addresses the work proposed for the water source investigation project involving the Brown Farm Lane property. NRCS is the conservation easement holder on that property. It was explained that RCC, the Water District Commissioners, and the Select Board, had a roundtable public discussion regarding the water source investigation at Brown Farm Lane. At that discussion, it was agreed that RCC would be able to review and weigh-in on what was going to be submitted to NRCS before it was submitted. It was also explained that the primary purpose of acquiring the property was for conservation. However, if it is found to be a property that would be suitable to be used

as a water source, it would be an allowable use but would still need to go through the appropriate process.

It was explained by Sally King that RCC makes the decision and NRCS, as an easement holder, can agree with the Commission's decision. However, NRCS can make recommendations on other things that need to be done for what is being proposed.

RWD Commissioner Hickson noted that the next steps in this process is to receive approval for the District to move forward with test wells on the property. If the outcome of the testing is favorable, permitting for a well through the DES process would begin. The complete process would take approximately a year and a half.

Chair McFarland pointed out that the person who helped RCC conserve the land lives next door. The same family has had this farm for over 200 years. Through the seven years of acquiring this piece of land, the primary goal of the owner was restoration of the property. It's important to keep this person on board, even though the Town owns it and RCC manages it, and there's an easement on it.

Member Oliver noted that RCC wants to protect the expectations of people who want to donate land and make sure it's minimally invasive, minimally disruptive to this historic place.

Commissioner Hickson commented that once the work is done, the plan is to restore the property to at least what it was before the District even set foot on it.

Vice-Chair King stated that some of the access points on the property are another concern for RCC; such as, what part will be cut off from the public. This is one of the only areas where people can horseback ride and there are several farms close by. This property has a unique characteristic.

Commissioner Marion noted this is one of the reasons the test well is closer to the periphery and not in the center of the property.

Member Shepcaro commented there's a concern about how the access will change and how the well will be accessed.

There was some discussion about how Rye Water District is promoting water conservation within the District.

Vice-Chair King asked if the property owners in the potential well head radius (400') have been made aware of the project.

The Commissioners agreed that it would be a good idea to speak with those property owners.

RCC agreed that they would like more detail on mitigation that will be taking place after the test well work. They would also like more information on infrastructure and the impact to current trails. The changes discussed and made at this meeting will be sent to Wright-Pierce for review and then back to RCC for another review. It was agreed that a site walk with RCC, Rye Water, and Wright-Pierce will be set up for the near future.

5. Ambit Engineering, 0 Pioneer Road, sightline plan and profile contract

Chair McFarland explained this is for a curb cut on the land that was purchased near Seavey Acres for parking.

Vice-Chair King noted that in conjunction with this proposal, she would like to look at a land and water conservation fund for this kind of project for water access. It's a 50% match. She would like to pursue this to see if money might be available.

The Commission agreed that she should look into the fund.

6. Ground water measurements at Cedar

Member Truslow explained there's a well just off the Cedar Run trail, which was installed as part of the hydrogeologic study for the project. It's a fairly shallow well. It would be really interesting to be able to put a measurement device in there to see how the water levels change. She also thinks it would also be useful to the Commission to see how the water levels change on the site. She noted the piece of equipment is very small and would just collect data.

The Commission supported her proposal.

Member Truslow spoke to the Commission about doing an interpretive trail at Cedar Run for a story map which can be linked to the GIS.

The Commission also supported this proposal.

Member Truslow noted that Susan Cole-Ross initiated the distribution of 400 trees and shrubs to help celebrate the Rye400. From that effort, there are 20 or 30 trees and shrubs left over that can be used on conservation property.

The Commission had a brief discussion about which properties would be best for the plantings. It was agreed that Sally King, Danna Truslow, and Mike Garvan would work on this project.

7. NHACC survey

Chair McFarland noted that this was sent out to members and can be done online.

8. Brown Lane Farm flooding

Chair McFarland noted that one of Heather Reed's project was the bog bridges. She asked if anyone would be willing to take over the wetland application process. Member Oliver agreed to take on the responsibility and learn the process.

9. Rye Recreation

Chair McFarland noted that the stakes are in at Rye Recreation for the exchange of land to account for the fence. The same square footage is being exchanged between Rye Rec and RCC to keep it the same as it is now with 14.94 acres for recreation. She asked for a member to follow up with Jim Verra to schedule a site walk to weigh-in on the staking to be sure it's what is acceptable to RCC.

Sally King agreed to handle the project.

Member Shepcaro spoke to the Commission about a patch of grass behind the guardrail at the rec area that has been burned, possibly by toxic chemicals. She also spoke about grass clippings that are being dumped in the buffer and the parking lot. Member Shepcaro agreed to take photos to keep a record.

10. Subcommittee for the Connect to Protect program

Chair McFarland noted that the grant money for the Connect to Protect program runs out the end of June. RCC is working on preparing a checklist for conservation properties. The grant funds are being used to pay for consultants to help with drafting the checklist. RCC Members are needed to review the recent checklists from other towns that were sent as examples, which would be modified to fit Rye's needs. Sally King will be heading up the project with other members reviewing the documents.

11. Budget and other items

Chair McFarland reported that 80% of the RCC Budget for 2023 still remains, so the Commission is in good shape.

Chair McFarland noted that she received a request from Grace McCulloch, a graduate student at UNH, who is doing research on the health and decline of the saltmarsh sparrow in New Hampshire. Ms. McCulloch has asked for permission to access a property the Conservation Commission manages in the marsh to conduct her work.

The Commission did not have any issues with Ms. McCulloch's request for access.

Vice-Chair King reported that the Rye400 Committee purchased a Redmond Linden Tree, which was planted at the Goss Farm in celebration of the Rye400.

VII. CORRESPONDENCE

1. SBA communications
2. 2023.05.03 1641 Ocean Blvd, NHDES-FRMI_WET-2023226296
3. 2023.05.08 44 Old Beach Road, RFI_WET-2023226488
4. 2023.05.08 150 Wentworth Road, ACOE NOTICE – MINOR IMPACT – COM SCOTT
5. 2023.05.08 150 Wentworth Road, APPROVLTR_WETMAJOR-2023226478
6. 2023.05.08 150 Wentworth Road, PERMIT_WETLAND-2023226479
7. 2023.04.10 Planning Board Abutter Letter for April 18 meeting: 1215 Ocean Blvd: Minor Site Development Plan for change of use of a restaurant
8. 2023.04.26 Planning Board Abutter Letter for May 16 meeting: 5 Whitehorse Drive: Lot Line Adjustment
9. 2023.04.20 Zoning Board Abutter Letter for May 3 meeting: 5 Cable Road
10. 2023.04.20 Zoning Board Abutter Letter for May 3 meeting: 1182 Ocean Blvd
11. 2023.05.01 Pease Amendment Request to a Wetlands Permit #222-01115 for additional work at the Rye Harbor Marine Facility, 1870 Ocean Blvd
12. Dana Barry, Native Plant Trust, partners with NH Natural Heritage Program, looking for slender blue iris (*Limniris prismatica*) located on Rye Conservation Commission's property south of Marsh Road Pond
Requesting permission to access conservation property south of Marsh Road Pond.
The Commission did not have any objections.
13. Sent a thank you to David Junkins and family
14. NH Wetlands Permits – 1870 Ocean Blvd.

VIII. BILLS

1. \$45.56 Kara Campbell gas mileage
2. \$340.00 BCM Environmental and Land Law
3. \$6077.50 BCM Environmental and Land Law
4. \$279.99 Linden tree
5. \$38.13 soil sample pollinator burn

6. \$377.85 Lowe's Goss Farm supplies
7. \$55.40 Lowe's Goss Farm supplies
8. \$307.03 Dog poop bags
9. \$98.97 Allegra Marketing
10. \$100.17 Cintas Fire Protection
11. \$33.37 Seacoast Ace Hardware for Goss Farm

Motion by Sally King to pay the bills as presented. Seconded by Joe Tucker. All in favor.

**IX. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (d) Acquisition
(2) per RSA 91-A:3, II (e) Legal**

Member Joe Tucker recused himself from the non-public session, due to the subject matter and adjourned from the meeting at 9:18 p.m.

At 9:19 p.m., Karen Oliver made a motion to go into non-public session. Seconded by Mike Garvan.

Roll Call: Karen Oliver – Aye; Susan Shepcaro – Aye; Sally King – Aye; Suzanne McFarland – Aye; Danna Truslow – Aye; Mike Garvan – Aye; Jeff Gardner – Aye

The Commission came out of non-public session at 9:40 p.m.

ADJOURNMENT

The Commission adjourned at 9:41 p.m.

Respectfully Submitted,
Dyana F. Ledger