

# NOTES OF MARCH 17, 2016 RYE CONSERVATION COMMISSION MEETING

Final Revision B – Provided by the Rye Civic League

## I. WETLAND ISSUES:

- 1. Michael J. Degnan of 88 School Street, Concord, NH for property owned and located at 1601 Ocean Blvd, Tax Map 13, Lot 29 requests a Variance from Section 301.8B 7 for a deck 95' +/- within the 100' tidal buffer. Property is in the General Residence and Coastal Overlay Districts.**

Steve Ricker from Ambit Engineering presented the application. He indicated that part of the deck is in the tidal buffer zone and part of it is not. About 3 feet of the deck is in the buffer zone. The application is both for the State and for the Town of Rye. A proposed propane tank needs to be installed in the front. In the back side, there is kind of a retaining wall. Member Mike Garvan asked what the dimensions of the deck are. Steve Ricker replied that the deck would be 16 by 10 feet. Member Jim Raynes asked what the total impact area would be. Steve Ricker replied that it was 251 square feet of temporary impact and 40 square feet of permanent impact. Member Jeff Gardner stated that it was pretty minimal.

**A site walk is planned for Thursday, March 24<sup>th</sup> at 5:00 PM.**

- 2. Michael F. Thiel & Gail D. Richard for property owned and located at 34 Brackett Road, Tax Map 22, Lot 89 request a Special Exception from Section 301.8B, 6 for construction of a barn, an accessory building within the wetlands buffer. Property is in the Single Residence District.**
- 3. Michael F. Thiel & Gail D. Richard for property owned and located at 34 Brackett Road, Tax Map 22, Lot 89 request a Variance from Section 301.8B, 1 for construction of a barn within 30' of the high tide line where 100' is required. Property is in the Single Residence District.**

Michael Thiel, property owner, presented the application. Member Jeff Gardner stated that he had to recuse himself, as he is a neighbor. Michael Thiel stated that the project is for a barn for the storage of agricultural

equipment and animal feeds for an agricultural operation. It is a 40+ acre property. The barn is going to be 24 by 36 feet. He provided some background about the property stating that they raise sheep and chickens and find it difficult to store the equipment on the property that is needed to run the operation. He stated that they have a driveway that is half a mile long. The proposed location of the barn is the only reasonable location on the property. He showed aerial photographs of the property and stated that this is very high ground.

**Members scheduled a site walk for Thursday, March 24<sup>th</sup> at 6:15 PM.**

Afterwards, Michael Thiel asked if there were any issues about meeting the requirements of a wetland permit. Chair Sally King replied that he ought to talk to the building inspector. The applicant referred to a permeable surface area that will have to be leveled and which will require roughly 20 tons of gravel, which would amount to a truckload of gravel. Member Jim Raynes interjected that it would amount to approximately 3 to 5 yards. Michael Thiel stated that 20 tons of gravel would be more like 15 yards. It will be  $\frac{3}{4}$ -crushed stone.

Member Susanne McFarland asked a question with regard to the agenda, referring to the request to construct a barn within 30' of the high tide line where 100' is required. She asked who came up with these numbers. Michael Thiel stated that he has talked to the building inspector, Peter Rowell, and asked him the high tide line is judged. Chair Sally King asked what Peter Rowell's reply had been. Michael Thiel stated that the building inspector was not certain himself, but that he was using a conservative estimate. He stated that it was not wetlands, and it was more terraces and disturbed areas with ledge underneath. Chair Sally Kind replied that disturbed does not always mean wetlands.

Chair Sally King concluded by saying that they will be going on a site walk as scheduled.

A member of the public, Peter Crawford, referred to the wetlands buffer description in the Rye Zoning Ordinance (301.8. A. 1), stating that the high tide line is "defined by the highest flooding of the ocean tides" (p. 20).

- 4. Peter S. Aikens, Jr. for property owned and located at 1323 Ocean Blvd, Tax Map 17.4, Lot 37 requests Variance from Section 210.3B to remove existing shed and replace it with a new elevated shed in the side setback where 16.9' exists, 15.5' is proposed and 20' is required; from Section 301.8B, 1 & 7 for surface alteration by replacement shed and installation of a generator within the 100' wetlands buffer; and from Section 603.2 to demolish and replace existing non-conforming shed. Property is in the Business District and Coastal Overlay District.**

Corey Caldwell, engineer, presented for the applicant. Corey Caldwell stated that the proposal is for Petey's Restaurant. The applicant would like to remove the existing shed and build a new, elevated shed of the same dimension and have a proposed generator in the back of the shed. Four variances are required for these two things. This is an initial review. The size of the shed is 14.5 by 8. Presently, the shed floods, which is the reason, they would like to elevate it. Member Suzanne McFarland asked why they would install a generator near a location that floods. Corey Caldwell replied that the owner wants to install a generator that is not visible to residents and the public. Member Jaci Grote asked how they are going to elevate the generator. He replied that the plan is to have fill and a cement pad. Chair Sally King asked how often the restaurant loses power. Corey Caldwell replied that the owner would like to ensure that his refrigeration system keeps operating during power outages.

Member Jeff Gardner asked if there could be some mitigation.

Chair Sally King stated that she has asked Chief Walsh in the past how often Rye loses power. According to him, Rye will be losing power less often.

Member Suzanne McFarland stated that the owner has built without requesting permits in the past, so the existing shed may not have been legally built.

Member Jaci Grote stated that she would like to know what is stored in the shed. This was a legitimate question from the perspective of the board.

**A site walk was planned for Thursday, March 24<sup>th</sup>, at 5:30 PM.**

*(Editor's notes: see Town website for CC site walk agenda for Thursday, March 24, 2016):*

[http://www.town.rye.nh.us/pages/RyeNH\\_ConsComAgenda/2016/03-24-16%20Agenda%20-%20Site%20Walk.pdf](http://www.town.rye.nh.us/pages/RyeNH_ConsComAgenda/2016/03-24-16%20Agenda%20-%20Site%20Walk.pdf)

## II. OTHER BUSINESS

### 1. Trail Committee Update.

Member Mike Garvan stated that a Trail Management Subcommittee has been formed. The Subcommittee is made up of citizens concerned about the use and the maintenance of the trails in the Town forest. This will extend to other properties in Town. He stated that it was a good meeting and that he has sent the minutes to the members:

[http://www.town.rye.nh.us/pages/RyeNH\\_ConsComMin/2016/03-02-16%20Minutes%20-%20Trail%20Mgmt%20Subcommittee.pdf](http://www.town.rye.nh.us/pages/RyeNH_ConsComMin/2016/03-02-16%20Minutes%20-%20Trail%20Mgmt%20Subcommittee.pdf)

He stated that, unfortunately, a scheduled site walk had to be cancelled due to the rain. The site walk has been rescheduled for April 4<sup>th</sup> at 2:30 PM.

Member Mike Garvan, who is chairing the Subcommittee, summarized the goals of the Subcommittee, which include better defining the types of uses that are appropriate, what types of structures are appropriate while being cognizant of the Town Forest Plan. The goal is to develop an overall plan and to educate the public about the use and the maintenance of the trails in the Town Forest, as well as other town-owned properties. *Editor's note: the "Forest Management Plan for the Rye Town Forest" is dated July 11, 2003, and according to the Introduction "the Forest Management Plan must be prepared and updated every 10 years".*

[http://www.town.rye.nh.us/Pages/RyeNH\\_BComm/Conservation/2003%20Forest%20Management%20Plan.pdf](http://www.town.rye.nh.us/Pages/RyeNH_BComm/Conservation/2003%20Forest%20Management%20Plan.pdf)

Members of the Conservation Committee complimented Mike Garvan with regard to the initial plan of action and steps of the Subcommittee. Chair Sally King stated that she was pleased that more people are getting involved by serving on the Trail Management Subcommittee.

### 2. Signage

Chair Sally King would like to have visible signs to designate where hunting is allowed. The plan is to order orange cardboard signs with writing in black ink. Chief Walsh has shared some information about such signs, which are multi use signs, allowing hunting, walking and bicycling.

Member Jaci Grote stated the same colored signs could be used where hunting is not allowed by changing the wording.

Chair Sally King stated that they needed to figure out how to install the signs, as there will be many of them. Moreover, she indicated that ladders will be required to place the signs high enough so people cannot remove them.

While discussing the subject of signs, Chair Sally King mentioned that Peter Rowell has encouraged the Commission to have signage for wetlands buffers.

Member Suzanne McFarland stated that she walked the boundaries of the Rand parcel with two other persons and they determined that the job of delineating the parcel is not done.

In addition, she stated that the whole back of Alehson and the land that abuts Portsmouth, people are dumping grass clippings and brush and even storing a kayak.

Chair Sally King stated that there are 27 abutters to the Rand parcel and as soon as the process is finalized, the Conservation Commission will write a letter to the abutters to that effect.

### **III. Correspondence**

- A letter from the Southeast Land Trust (“SLT”) inviting the Conservation Commission to join them on a site walk, which is part of a monitoring process, on the Moody Woods and Massacre Marsh properties, where the SLT holds conservation easements in Rye.
- A letter Rockingham County Conservation District regarding a proposal to treat invasive plant species with herbicides.

Chair Sally King stated that they have been doing this for years. The CC is managing marshes and allocating funds for it.

## **V. Public comments**

Peter Crawford, a member of the public, made a comment about the continuing difficulty of obtaining access to the conservation files at Town Hall. He went by to obtain the documents relating to the upcoming land acquisition at 561 South Road (public hearing on Wednesday, March 30<sup>th</sup>, at 7 p.m.). Although these were not yet ready, the appraisal had been given to Janice Ireland previously and should have been available, but it was not. [http://www.town.rye.nh.us/pages/RyeNH\\_ConsComAgenda/2016/CC\\_Agenda\\_3\\_30\\_16%20-%20Public%20Hearing.pdf](http://www.town.rye.nh.us/pages/RyeNH_ConsComAgenda/2016/CC_Agenda_3_30_16%20-%20Public%20Hearing.pdf)

## **VI. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (d) Acquisition**