

October 23, 2019

To Select Board Members:

Thank you for the time you generously give to our town. We want to make you aware of a parcel of privately-owned land in Parsons Creek Watershed and alert you to concerns about the current owners' intention to develop the land. The parcel of land is 720 Brackett Road; Map 17, Lot 65, owned by Todor Simeonov.

In fall 2015 the land was listed for sale at \$499,000. On September 2nd of that year, Mark West from West Environmental surveyed the land for use. On the 15th of that same month, Mr. West released his report and noted, "based on the extensive wetlands on this lot, it appears to lack enough uplands to support development of any structure without numerous variances and the need to obtain a NHDES permit to fill wetlands for a structure and septic system, which is highly unlikely." (NH Certified Wetland Scientist #10). As a result of that report, the tax valuation of the land went from \$192,200 in 2015 to \$21,600 in 2016. On December 21, 2015, Todor Simeonov purchased the land for \$**30,666**, \$469K less than asking price. The tax map reads this lot is "unusable land."

In October of 2017, Mr. Simeonov hired someone to clear vegetation from the front of the lot. When the hired person was not able to perform the task, because she was told by the Building Department that clearing wetlands is prohibited in Rye without a permit, Mr. Simeonov arrived on October 28, 2017 with a field and brush clearing machine to eliminate the vegetation. In the Rye Zoning Ordinance document under the 301.5, Section A, such clearing is prohibited as stated, "[All shrubs and herbaceous layers shall remain in tact.](#)" Mr Simeonov did not obtain a permit to clear the land.

On September 9, 2019, Mr. Simeonov dumped boulders on the front south side of the parcel without a permit to build a rock wall. Susie Reaney, a neighbor, was home and thought the impact of the dump was "going to knock her barn down." Other neighbors reacted similarly. Mr. Simeonov asked for a permit for this rock wall after dumping on the wetlands and was given eight conditions to satisfy before receiving the permit. Number three and six of the contingencies appear to require professional input regarding wetland delineation, but this is not stated on the document. We are concerned that due to the lack of respect for current zoning ordinances, Mr. Simeonov will not strictly abide by these conditions. His position does not demonstrate a strong track record for adherence to town regulations.

(#3) "The wall will not extend into the wetlands but be completely on the upland portion of your property as shown on the plan done by West Environmental."

(#6) "There will be no disturbance of the topsoil that will create dredge."

It is our opinion that, Mark West should be required to determine that the rock wall, the machinery needed to construct the wall, and the position of the wall are going to fit within the parameters given to the landowner.

CONCERNS WITH THIS POTENTIAL PERMIT:

1. In the [2017 Hydro Analysis](#) report delivered at a town meeting, reporting “a density of more than 0.26 septic tanks per acre can lead to fecal contamination. In the 1,459 acre Parsons Creek Watershed...there are approximately 0.45 ISDS [individual sewage disposal systems] per acre in the watershed, which is almost twice the density shown to be problematic in other studies.”
2. Mr. Simeonov has taken the “ask for forgiveness” approach with both clearing the land and dumping boulders without permission. The first offense seemed to be forgiven by the town’s enforcement officials. The second offense had the opportunity to be rewarded by offering a permit with conditions. If asking for forgiveness continues, the town may eventually have a difficult time protecting the wetlands on most of the 1.77 acres from fill and development. In both cases, the Conservation Commission was not formally involved.
3. In November of 2017, code enforcement officer said that the land owner was considering using the [NH DES Wetland Mitigation Program](#) to mitigate the impact of this development on Brackett Road. When speaking with Eben Lewis at the Wetlands Bureau, NHDES Portsmouth Regional Office at Pease, he explained that using this would be misusing the intent of the program. As he explained, it’s for large parcels of land that can be developed and mitigated as one lot.

Thank you for your time to understand the grievances we share with the possibility of development on wetlands in Parsons Creek Watershed. If all the contingencies are met with the assistance of a certified wetland specialist and the aesthetics of the wall with a drawing or rendering are considered and approved by all abutters, we support the construction of a border stone wall, with the understanding that this does not set precedent to further support development of the wetlands. We also request that the Conservation Commission be formally involved with recommendations involving this parcel.

Sincerely,

Joel & Lauren Feid
705 Brackett Road

Thomas Burke & Judith Tallman
700 Brackett Road

Matt & Natasha Goyette
750 Brackett Road

Scott Marion & Deb Holloway
71 Washington Road

Chris & Susan Reaney
691 Brackett Road

Tom & Gerry Clifford
95 Washington Road

Ralph & Cynthia Hickson
91 Washington Road

Jonathan & Ann Fox
73 Washington Road

Kim Naioti (*former member of Parsons
Creek Watershed Committee*)
18 Rock Orchard Lane

Mark & Anne Forsyth
2 Winslow Way (*abutters to the marsh*)

Andrew & Leanne Holster
6 Winslow Way (*abutters to the marsh*)