



RYE CONSERVATION COMMISSION  
10 CENTRAL ROAD  
RYE, NH 03870

August 30, 2021

**RE: 705 Brackett Road, Tax Map 17 Lot 34-2, Owners Joel and Lauren Feid**

The Rye Conservation Commission (RCC) conducted a site walk on July 15, 2021 at 705 Brackett Road to evaluate a proposal to build an extension on an existing deck which is in the 75 foot wetland buffer. At this site walk Mr. Feid also asked to remove four large trees (greater than 4.5 inches in diameter at 4.5 feet of height) in the wetland buffer. The RCC did not see the need to remove any large trees in the buffer and Mr. Feid agreed to leave the trees.

Before addressing the deck expansion, the commission would like to revisit the history of the property. The Conservation Commission notes that when the home was originally built, the RCC and the Zoning Board of Adjustment (ZBA) worked with Mr. Feid to create a fair and workable solution to his original application to build. The current wetland buffer on the lot is 75 feet from the wetland. At the time the lot was originally created, the buffer was 50 feet. The ZBA, with RCC recommendations, allowed Mr. Feid to have some of his home and his lawn in the 75 foot buffer but required that the 50 foot buffer boundary and use restrictions be strictly adhered to. The 75 foot buffer regulations must also be observed although the RCC has been willing to discuss projects proposed in the buffer and refer them to the ZBA if relief is required.

The RCC saw several violations of the Rye wetlands ordinance during the site walk and would like to note them here. At least one non-native tree was planted in the 50 foot buffer and bark mulch was being used in the 50 foot buffer. Since the July 15, 2021 site walk, Mr. Feid has constructed a large playground set with a two story shed-like structure at one end in the 75 foot buffer. This does not appear to be a permitted use without a special exception. He has also added several trees, bark mulch and an arbor archway in the 75 foot buffer.

At the site walk Mr. Feid expressed some disappointment in the comments of the commission members because he has done extensive landscaping to improve the appearance of the lot. The vegetation he has added is visually attractive but it is not in complete compliance with Rye's wetland ordinances governing wetland buffers.

The RCC finds it is common to have this difference of purpose on properties that are sensitive due to the existence of wetlands and buffers on the lot. The landowner is focused on making their lot as esthetically pleasing as possible. The Conservation Commission is focused on making wetlands as protected and as naturally functioning as possible. The RCC has accommodated Mr. Feid in the past and allowed a tree removal and a shed installation on the west side in the buffer. However, it seems that he is ignoring the wetland regulations whenever he thinks a project is an improvement.

The proposed deck expansion would square off the existing deck and would add 158 square feet, including three 6-foot steps, and would extend a total of 11.5 feet into the 75foot wetlands buffer. The Conservation Commission does not object to the deck as planned since the deck will be permeable and only extends 11.5 feet into the buffer. The deck addition will also reduce the amount of lawn in the buffer.

The Rye Conservation Commission does not object to the deck expansion with the following recommendations:

- 1) All bark mulch in the 50 foot buffer is removed and replaced with marsh hay or another native ground cover.
- 2) The owners apply for a special exception to allow the playground set to remain.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Garvan", written in a cursive style.

Francis P. (Mike) Garvan II, Clerk