

Rye Conservation Commission
March 14, 2024 Meeting
RCL Notes

Highlights

Proposed redevelopment of “Brit Bits” property on Sagamore is reduced in size from 9 to 4 residential units (plus office building), is further from wetlands than current, cuts fewer trees than previously proposed and has less impervious surfaces.

Rye Conservation Commission 2024 Officers: Susan Schepcaro; Chair Mike Garavan, Vice Chair

Commission formally voted to not develop a parking lot a 0 Pioneer Road “leaving open the possibility to do so in the future if any circumstance changes, particularly if the owner of 3 Brackett Road denied access to the Junkins Family Conservation Land through 3 Brackett Road.”

New rules for hunting tree stands based on new state law

1085 Old Ocean Boulevard, Tax Map 19.4, Lot 69

Owner: Daniel and Jennifer Mayo Revocable Trust

TF Moran

Variance: §190-3.1.H(2)(a)(b): 100’ Tidal Wetland Buffer

Replace a failing septic system with a clean solution alternative system.

Note: The property is in the impaired Parsons Creek Watershed and has been in compliance with the 2016 Pump Out Ordinance yet..

The current holding tank based system is in failure with effluent leaking into the ground. It must be pumped every time the building is used. There is tidal wetland in the back of the lot. A new Advanced On Site Solution system is proposed with the sealed tank and settling chamber will have to be in the wetland buffer at 27.5 feet from the wetland due to space constraints and state right of way. The septic field will be out of the buffer. The failed tank was 50’ from the wetland.

14 Sagamore Road, Tax Map 24, Lot 74 (“Brit Bits building)

Owner: Elements 9 LLC

TF Moran

Variances: §190-2.11.A(1): Residential Use in Commercial District, §190-2.11.C(2)(3):

Front & Side Yard Setbacks, §190-2.2.J(1): Residential Buffer, §190-3.1.H(2)(a)(e)[2]:

75’ Freshwater Wetland Buffer

Remove existing building and pavement to construct two new buildings (one with office space, the other with 4 residential units) along with associated new parking, access, grading, stormwater management systems, and other improvements. Revised plans have the development reduced in scale from 9 residential units to 4 (4700 square feet)

plus a 2150 square foot office and moved to address abutter concerns with tree removal reduced from 6500 to 2400 sf (42 vs. 22 trees cut)

Parking will now be enclosed reducing impervious surfaces 3200 sf. Regarding conservation concerns, the revised building is now 34' from the pocket of wetlands whereas before it was 2'. A site walk was scheduled.

2242 Ocean Boulevard, Tax Map 53, Lot 69

Owner: Jean Varney

Jones and Beach, Ambit Engineering, Tim Phoenix

Variances: §190-2.3.C91)(3)(5): Front, Rear, Side Yard Setbacks, §190-3.1.H(2)(a)(f)(g): 100' Tidal Wetland Buffer

Remove existing 1687 sf structure north of Jenness State Beach and replace with a 3136 sf new home with impervious surfaces reduced due to "pervious" drive and walkways. Half the property is in the tidal buffer. A 7' buffer of salt water tolerant plants is proposed. A site walk was scheduled.

39 Parsons Road, Tax Map 20.2, Lot 45

Owner: Colen Family Revocable Trust

Attorney Monica Kieser, Ross Engineering, CSA Environmental Consultants, LLC, BMA Architectural Group

Variances: §190-2.4.C(2): Side Yard Setback, §190-3.1.H(2)(a)(b)(f)(g): 75' Wetland Buffer, §190-6.3.A: Expansion of a Nonconforming Structure; and Special Exception to §190-3.1.G(2) and §190-3.1.H(2)(f): Driveway within Wetland Buffer

Remove shed, construct garage with living space above; extend existing driveway to connect to proposed garage, expand deck, construct retaining wall along driveway, replace existing septic tank with Advanced On-line Septic System, relocate leach field further from the wetland, stormwater management plan, native plantings.

Revised plans

Revised Plan with smaller garage located closer to Parsons Road, wetlands buffer planting strip. A site walk was scheduled.

0 Pioneer Road Parking

Mike Garvan moved the following statement:

"In consideration of the very high conservation values of the land and water resources on the Junkins Family Conservation Land, 0 Pioneer Road, Map 22, Lot 73, as well as concerns about overuse of the resource and public safety, the Conservation Commission will not pursue development of a parking area on the property at this time, leaving open the possibility to do so in the future if any circumstance changes,

particularly if the owner of 3 Brackett Road denied access to the Junkins Family Conservation Land through 3 Brackett Road.”
Seconded by Karen Oliver. All in favor.

New rules for blinds and tree stands on conservation property

In order to be compliant with NH RSA Section 207:36-a, Mike Garvan moved to revise the Rye Conservation Commission rules as follows:

- 1) No person shall erect, build, or use a tree stand or observation blind on Rye conservation land that damages or destroys a tree by inserting into the tree any metallic, ceramic, or other object used as part of a ladder or observation deck.
- 2) No person shall construct a permanent tree stand or observation blind on Rye conservation land.
- 3) A portable tree stand or observation blind that does not violate paragraph 1 or 2 may be erected on Rye conservation land from April 25 to June 1 and from August 1 to December 31 of a calendar year. All portable or temporary tree stands or observation blinds erected between April 25 and June 1 shall be removed from the property by July 1. All portable or temporary tree stands or observation blinds erected between August 1 and December 31 shall be removed from the property by January 31.
- 4) All tree stands or observation blinds shall be labeled with the name and contact information of the owner of the tree stand or observation blind in a clearly visible manner.
- 5) Any person who violates and provision of these rules shall be guilty of a violation and:
 - Shall be liable for the amount of damage caused by the act, to be recovered by the property owner sustaining the damage; and
 - Shall be liable for any fine amount levied by the fish and game department, to be recovered by the department.
- 6) The Rye Conservation Commission shall contact a local or state law enforcement officer or conservation Officer to remove and seize a permanent, portable or temporary tree stand or observation blind which was placed, or the owner of which has failed to remove, in violation of these rules. Seconded by Karen Oliver. All in favor.

RCC Officers beginning April 1st:

**Motion by Suzanne McFarland to nominate Susan Shepcaro as chair.
Seconded by Mike Garvan. All in favor.**

Motion by Sally King to nominate Mike Garvan as vice-chair. Seconded by Suzanne McFarland. All in favor.

Dana Truslow was recommended for reappointment to the Commission