

Meeting Minutes - Chilmark Conservation Commission  
February 2, 2023 (9 am)

Commissioners present: Candy Shweder (Chair), Sandy Broyard, Chris Murphy, Russell Maloney, Sarah Khedouri, Joan Malkin, Pam Goff

Commissioners absent: none

Staff: Kara Shemeth (Agent)

Public in attendance: Peter Cook, Keith Estes, Kate Shands, Bruno Oliveira, Carl Desch, Angie Francis, Peter Gearhart, Nancy, Rob Barber, Chuck Sullivan, Kris Houruchi, Mika Durrell, Reid Silva, Doug Cooper

9 am meeting called to order

**Request for Determination of Applicability**

Applicant: Chilhead Ventures LLC (the Homeport)

Address: 512 North Road (AP 27.1-85)

Project: Applicant is seeking permission to construct a pergola on an existing stone patio within the 100' buffer zone of a wetland resource.

Bruno Oliveira and Mica Durrell for the Homeport

Documents shared: plans, aerial

Bruno explained that they are looking to add a pergola and decking over the existing bluestone patio. All activity is within the existing retaining wall/ patio area. The goal is a more appealing sitting area for diners. The decking will replace the bluestone and reduce tripping hazards. There is no increase in the square footage, it is the same footprint and seating capacity. He explained that there will be sail cloths on the top to reduce sun and on the Edy's Island way along the bottom 4' of the pergola around the perimeter of the pergola. Pergola posts are to be set in 12' sonotubes, 4' deep.

The Agent noted that she had advised the applicant to file an RDA due to the established nature of the patio and because the activity has very little, if any impact on the nearby resource areas.

**Commissioner Comments:** Commissioners expressed concerns that this could lead to enclosing the patio. It was noted that increasing capacity would not be allowed and it is not under Con Com's purview.

Commissioners noted that the Building Dept should send this to ZBA due to proximity to the property lines. Bruno noted that the Building Dept has their application and it is pending a negative determination from the Con Com.

**Public Comments:** None

**Action:** A motion was made, and seconded, to find a negative determination, noting that it cannot be permanently enclosed and that any debris from construction is mitigated and collected daily and that the Agent visit the site with

Bruno prior to work beginning. (The applicant noted that they will install silt fencing and do their cutting within a temporary tent and use of filters to reduce sawdust)  
Passed unanimously via roll call vote

### **Notice of Intent**

Applicant: Lenom House LLC

Address: 138 State Road (AP 33-16)

Representative: Reid Silva (VLS)

Project: Applicant is seeking permission to construct and maintain an addition to an existing dwelling, an in-ground swimming pool, pool cabana, septic-tie in and associated landscaping on the above referenced property.

Reid Silva & Kris Houruchi

Documents shared: aerial, site plan

Reid reviewed the plans and explained that the elevation in the area is 14' which is 3' above the flood. The project falls within 100' of the 100 year flood line. The project includes a cabana with a pool equipment area, a bathroom and a countertop and sink with a deck with pergola over it. The surrounding terrace is proposed to be bluestone.

The addition and pool need ZBA approval, the addition adds to the southern part of the existing house.

Reid discussed the interest of the flood zone and noted that it is the only resource in the WPA that doesn't have any performance standards but the understanding is that any project would not offset any flood waters onto neighboring properties or cause flood damage.

**Commissioner Comment:** There was discussion regarding the merits of having a buffer to the flood zone as it is an area of predicted flood activity (1 every 100 years or 1% chance annually).

**Public Comment:** Kara noted that she had received a phone call from a member of the public on Elliot Ave who was opposed to the project on several levels. Neighbors noted that they are opposed to the pool and asked about water supply and if it would negatively impact the aquifer, Reid noted that pool water is trucked in from an outside source per the ZBA bylaws.

**Action:** A motion as made, and seconded, to close the hearing.

Passed unanimously

**Action:** A motion was made, and seconded, to approve the proposed changes to the house with standard conditions.

**Discussion:** Commissioners asked about the foundation, Reid confirmed it is a full 8' foundation to match the existing foundation, it is not habitable.

Commissioners asked about footings vs foundation, Chuck Sullivan explained that it is outside the flood zone and the house is year round so the basement is a better option for this project.

Discussion ensued regarding separating the house portion from the pool. The applicant agreed to a continuance.

**Action:** A motion was made, and seconded, to rescind the motion and second and re-open the public hearing and continue it to 2/16/23  
Passed unanimously via roll call vote

**Note:** Candy Shweder had to leave the meeting and Sandy Broyard took over as Chair

### **Request for Determination of Applicability**

Applicant: Lenom House LLC

Address: 138 State Road (AP 33-16)

Representative: Keith Estes

Project: Applicant is seeking permission to shingle and do exterior maintenance to a structure within the buffer zone.

Kieth Estes presented a plan to reshingle the boathouse and some exterior maintenance, including replacing the electric heat with a heat pump and removing some lattice. The compressor for the heat pump will be mounted above the floodplain elevation.

The Commissioner felt that the Agent should visit the site and ensure proper site controls are in place and that there shall be siltation barriers in place and a debris removal is to take place daily or be in a covered dumpster.

**Action:** a motion was made, and seconded, to find a negative determination with the conditions that the condenser is to be mounted above the floodplain and siltation barriers and debris removal is understood. (The agent noted that she will be out starting on 2/14 and Commissioner Maloney agreed to meet Kieth on site in her place)

### **Continued Notice of Intent SE12-899**

Applicant: Robert & Bridget Barber

Address: 443 South Road (AP 25-1.1)

Representative: Doug Cooper (CES) & Chuck Sullivan (S&A)

Project: Applicant is seeking permission to install an in-ground swimming pool with blue stone patio and perimeter fencing. The removal & relocation of a guest house, utility trenching, installation of siltation fencing. All activities are proposed within the buffer zone only of bordering vegetated wetlands.

Application has been approved by the ZBA and is ready for a vote.

Doug Cooper reviewed the proposed changes to the wetlands. The pool location is 60' from the BVW, the site work/ grading is around 45' from the BVW. Doug noted that it is saturated soil, common to the clay areas of Chilmark. He noted some of the vegetation is invasive and the alternate pool areas don't provide a better benefit to the wetland. He proposed striping back some soil (likely older agricultural fill) to provide areas for more obligate wetland species and reduce

mowing in other areas. He believes the existing wetland could be managed better, to the benefit of the site while the pool would have negligible impact to the resource.

Commissioners noted that a no cut zone would be more efficient and provide more long term benefit than the landowner trying to "restore" and restorations tend to end up being more for beautification than enhancing the resource.

Commissioners proposed a 50' no cut buffer zone, fenced.

Public Comment: None

**Action:** A motion was made, and seconded, to approve the application as presented with the following conditions:

1. The contractor is to meet on site with the Conservation Agent and review all aspects of the proposed work prior to work commencing.
2. Siltation is to be installed, and inspected by the Conservation Agent, prior to work beginning.
3. Notification is to be given to the Conservation Agent when work is scheduled to begin and when it is complete.
4. A copy of this Order and the site plan dated **9/14/22** shall be available on site at all times while work is being done.
5. After construction is finished, a permanent fence is to be installed along the 50' setback from the bordering vegetated wetlands. This is to remain in place and no mowing or trimming will be allowed between the fence and the wetlands without permission from the Conservation Commission.
6. A Certificate of Compliance shall be applied for within 60 days of completion of the project and shall be accompanied by an as-built plan by a licensed surveyor or engineer showing the pool, pool house, guest house, and the permanent fence.

Passed unanimously via roll call vote

The Agent reviewed the maintenance proposed to be done at the Comfort Station, including replacing the roof and trim. (Chris Murphy abstained from the conversation).

Commissioners felt this was de minimis and did not need further review. They asked that cutting be done inside the building to cut down on dust and follow standard debris mitigation.

The Beach Committee has asked the Highway Dept to remove the old fencing at Squibnocket. Commissioners felt a meeting on site with the Beach Committee would be beneficial for getting everyone on the same page.

With the Agent being out on medical leave, Commissioners asked her to contact the applicants and see if they would be amenable to having the hearings heard on 3/2 and skip the 2/16 meeting.

Commissioners discussed the need to review and update the bylaws.

With nothing further to discuss, the meeting was adjourned at 10:57 am

Respectfully Submitted by [kara shemeth](#), Conservation Agent  
Minutes to be approved at the 5/18/23 Conservation Commission Meeting