

## Conservation Commission Minutes 03/21/18

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FINAL

Present for the Conservation Commission and attending the meeting were: Candy Shweder, Chairman, Sandy Broyard, Bob Hungerford, Russell Maloney, Chris Murphy and Chuck Hodgkinson. Reid Silva, Debbie Hancock, George Sourati and Judy Flanders also attended. Maureen Eisner, Pam Goff and Joan Malkin did not attend.

The meeting came to order at 12:30 PM. The Chair appointed Russell Maloney as a voting member for the day's agenda.

Chuck H. reviewed photos of the seasonal beach access stairs from Lucy Vincent Beach west to Windy Gates that were taken after the recent storms. All survived the storms with minimal damage except the one located at Map 29 Lot 5. Chuck has already spoken with the caretaker who will rebuild the stairs to a more traditional and durable design this spring.

Chuck H. also reviewed post-storm photos taken of the three shorefront properties on Greenhouse Lane that nourished their beaches several years ago with river rock cobble of matching size to what's naturally on the beach. The toe of the coastal bank at all three locations is stable and well protected. The cobble is moving naturally with the wave energy and performing as designed.

**SE 12 - 811; REID SILVA FOR SCHEUER FAMILY PROPERTIES, LLC, COHEN et al: 2 Chockers Lane; AP 33-4:** Ms. Shweder opened the public hearing at 12:42 PM. Mr. Silva reviewed the site plan dated 2/7/18 to develop this 9.2-acre vacant lot. The plan is to construct a house with a basement foundation and install a built-in swimming pool with related fencing and pool equipment. A portion of the house is within the buffer zone of a Bordering Vegetated Wetland to the west. The closest point is 72 feet from the wetland edge. The majority of the proposed pool, fencing and pool equipment is within the buffer zone of a newly identified isolated wetland to the northeast of the proposed house location. The closest portion is 64 feet from the edge of this wetland.

Mr. Silva explained while rough mowing the proposed site for the pool and planned meadow, the isolated wetland was discovered and work stopped immediately. The ground cover made it nearly impossible to see the isolated wetland until the mowing got to about ten feet from the wetland edge. He added the proposed meadow is sited 25 feet from the isolated wetland and the vegetation will be allowed to regrow in the area mowed that is closer to the wetland. The Commission agreed the isolated wetland would not be visible without the mowing as this was observed on the site visit. They further thanked Mr. Silva for halting all work and adding this isolated wetland to the site plan.

The Commission discussed the additional observations made at the earlier site visit and the fact that this is an occasion where there are requested bylaw variances to develop a vacant lot—versus redeveloping a lot with pre-existing structures. There was discussion of the impacts of the proposed activity to the interests of the protected resources and the performance of their related buffer zones. The Bordering Vegetated Wetland resource on the property drains into the marsh of Menemsha Pond. The isolated wetland seems to be a perched wetland that also eventually drains down grade to the pond. The extensive brush thicket on the majority of the property also provides wildlife habitat for ground birds and the northern harrier.

The pros and cons of relocating all structures outside the resource buffer zones were discussed. The house is sited to take advantage of the water view. If it was moved east to avoid the buffer zone the view would be compromised to a degree.

With no public discussion a motion was made to close the hearing at 1:10 PM. The motion was seconded and unanimously approved.

A motion was made to approve the plan for developing the property provided all structures are relocated outside the 100-foot buffer zones of all wetland resources. The motion was seconded. In discussion it was pointed out that the motion is essentially a denial of what's proposed. The Commission has already approved the installation of a driveway bridge over a wetland to access the building site. A seven bedroom septic system was also approved and is installed. The motion then came to a vote and did not pass with only one in favor (Mr. Murphy) and four opposed.

The Commission discussed voting on each key element separately. A subsequent motion was made to approve the house location as shown on the site plan provided the west side of the house and deck are no closer than 80 feet from the edge of the Bordering Vegetated Wetland that drains into a coastal pond. The motion was seconded and passed with four in favor and one opposed (Mr. Murphy).

A third motion was made to approve the pool that is northeast of the house location provided it is relocated outside the 100-foot buffer zone of the isolated wetland. The motion was seconded. In discussion Ms. Broyard commented the pool is 64 feet from the isolated wetland edge which in her opinion would have a minimal impact on the isolated wetland—especially when considering this property is over 9 acres and the pool is over 500 feet from Menemsha Pond. The motion came to a vote and passed with four in favor and one opposed (Ms. Broyard).

A fourth motion was made to approve the meadow as proposed on the site plan provided it is no closer than 25 feet from the edge of the isolated wetland. Any mowing that has taken place less than 25 feet from the isolated wetland shall be allowed to grow back to its natural state. The motion was seconded. In discussion it was agreed to include a condition that each of these approvals has the condition that the applicant shall return to the Commission with the final site plan for the owner's actual plan to develop the lot. The erosion control measures and limit of work shall also be located and identified on the site plan. The handling of excavation spoils shall also be specified. The motion came to a vote and passed with four in favor and one opposed (Mr. Murphy).

**CONTINUED HEARING SE 12 – 809; REID SILVA FOR SCOTT ROSENBERG; 16 Shepherd's Path; AP 24-1: Eligible voters: Candy, Sandy, Joan, Chris, Pam, Bob, Maureen):** Mr. Silva requested an additional continuance to April 18 @ 12:30 PM to provide time to work with the DEP. A motion was made and seconded to accept the request. The motion passed unanimously with five in favor.

**REQUEST FOR 3-YEAR EXTENTION; ORDER OF CONDITIONS LOCAL BYLAW ONLY; FOOL'S HIGH TIDE; 25 East Lane; AP 32-68.1:** Chuck H. explained a final Order of Conditions was issued on 6/9/16 under the Town's Bylaw only to a revised plan for the cobble beach nourishment. The applicant is seeking a three-year extension—to June 6, 2022. They expect the work to take place in the fall of 2018 or 2019. A motion was made and seconded to grant the extension. The motion passed unanimously with five in favor.

**DISCUSSION GEORGE SOURATI FOR PAUL HORNBLOWER; 51 Squibnocket Farm Road; AP 36-1.3:** Mr. Sourati reviewed a proposed site plan for an addition to the house. He explained the property is within the Squibnocket Pond zoning district. The regulations specify the Commission may choose to expand the 100 foot buffer zone of wetlands draining into Squibnocket Pond to 200 feet. The project is between 100-200 feet from the wetland. After discussion a motion was made to not extend the buffer zone to 200 feet from the wetland edge. The motion was seconded and unanimously approved with five in favor.

**DISCUSSION CURB STOPS ALONG BASIN ROAD:** Chuck H. explained that Tim C. would like an informal opinion on whether or not the Town can replace the concrete curb stops opposite the Menemsha Texaco with 3-4 foot high sections of the pilings that will be removed from Menemsha Basin. These will be "planted" in 3-4 foot deep holes and placed on the Basin Road side of the seasonal boardwalk to the beach. Tim would like to know whether or not the old pilings should be saved for this purpose when replaced this spring. After brief discussion a motion was made to allow the use of pilings for this purpose. The motion was seconded and passed unanimously with five in favor.

#### **ADMINISTRATION:**

The draft March 7, 2018 meeting minutes were reviewed and approved as presented by consensus.

Signatures:

Order of Conditions SE 12 – 811; Scheuer; AP 33-4.

Order of Conditions Extension; Fools High Tide, LLC; No DEP File #; Local Bylaw Only; AP 32-68.1.

The next meeting will be Wednesday, April 4, 2018 @ 12:30 PM.

With no further business to discuss the meeting adjourned at 1:55 PM.

Respectfully submitted by Chuck Hodgkinson, C.A.S.