

## Conservation Commission Minutes 04/04/18

FINAL

Present for the Conservation Commission and attending the meeting were: Candy Shweder, Chairman, Russell Maloney, Pam Goff, Joan Malkin and Chuck Hodgkinson. Reid Silva, Carlos Montoya, Greg Milne and Tom DellaRocco also attended. Maureen Eisner, Chris Murphy, Bob Hungerford and Sandy Broyard 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.

**NOISE 12 - 812; REID SILVA FOR HELEN BENHAM; 24 Windy Gates Rd.; AP 30-106.1:** Ms. Shweder opened the public hearing at 12:30 PM. Mr. Silva reviewed a plan to install sub-surface foundation drains around the perimeter of the main house. The trenching will be approximately 3 feet wide and five feet deep. The purpose is to manage groundwater around the foundation. Roof water runoff will not drain into this groundwater system. He added that the drainage water will be pumped to a gravel trench. He also reviewed the proposed trees the owner would like to remove -- several of which are dead and others to allow more light to reach the house. Some of the trees are in the wetland. The carriage house is in the buffer zone of several Bordering Vegetated Wetlands. The closest portion of the work is 10 feet from the wetland edge.

The Commission discussed the observations made at the site visit and asked if the deck will be removed and replaced. Mr. Silva said yes. They also asked Chuck H. to determine if the existing deck was as shown when the owner applied for an addition to the house on the deck footprint as the addition was denied because of its close proximity to the wetland. The Commission asked if the excavation spoils will be removed from the site. Mr. Silva Said yes. The exception will be for the sandy fill used to cover the drainage system.

There was much discussion about the resources that virtually surround the house, the stockpiling of wood chips that were observed near the wetland and the proposed tree removal within the wetland. With no public comment a motion was made to close the hearing at 12:55 PM. The motion was seconded and unanimously approved. A subsequent motion was made as follows: The plan is approved with the following revisions and special conditions that shall be met before any work begins.

- The applicant shall return to the Commission to review a revised site plan with the following adjustments before any work begins. An additional site visit shall also take place to review the revisions.
  - The new location for the concrete foundation drainage water pump chamber to the gravel trench is approved.
  - The erosion control measures shall be shown and labeled.
  - The stockpiling location for excavation spoils left on site for fill shall be identified. The un-used excavation spoils shall be removed from the site daily.
  - A specific and revised tree removal plan shall be prepared and flagged for an additional site visit. The tree removal shall primarily focus on the south and west sides of the dwelling to increase sunlight and help dry out the soil surface. The trees shall be flush cut with the stumps left in place. The cut tree trunks and limbs not used for fire wood shall be removed from the site.
  - The wood chips observed on the previous site visit shall be relocated farther from the wetland and shown on the revised plan or removed from the site.
  - The cleared area of the site shall be shown on the revised site plan. This area shall not increase in size at any time in the future to protect the extensive wetland network.
  - Once the revised plan is approved there shall be an on-site conference among the Conservation Agent and contractor(s) to review this Order before any work begins.

The motion was seconded and with no further discussion passed unanimously with four in favor.

**RFD REID SILVA FOR TOM MACISAAC; 199 State Rd.; AP 33-117:** Mr. Silva reviewed a site plan to plant a mixture of 42 trees and shrubs along State Road to provide visual and noise screening for the main house. Approximately 45 percent of the plantings will be within the 100-foot buffer zone of a wetland. The closest planting is approximately 40 feet from the wetland

edge. All excess fill will be removed and placed outside the buffer zone. After brief discussion a motion was made for a negative determination. The motion was seconded and with no discussion passed unanimously with four in favor.

**CERTIFICATE OF COMPLIANCE SE 12 – 782; ARONOFF; 76 Menemsha Inn Rd.; AP 21-33:** Chuck H. explained an Order was issued in November 2016 to redevelop this small lot with a stream, wetlands and Vineyard Sound frontage. The property was not purchased. He recommended issuing a Certificate for an Invalid Order of Conditions because the work never commenced. He added the property was sold and we have a new Notice of Intent to redevelop the property. It is on the April 18 agenda. A motion was made to accept the report and issue the Certificate. The motion was seconded and unanimously approved with four in favor.

**FOLLOW UP DISCUSSION CARLOS MONTOKA FOR TWO SISTERS RLTY. TR.; 35 Harlock Pond Rd.; AP 1-12:** Mr. Montoya explained a negative determination was given to create a meadow along the winding driveway. There is a drainage swale in the meadow location. The determination had a condition to return with a planting and maintenance plan once the area was mowed—before the April 1 bird nesting season begins. Mr. Montoya shared photographs of the area after mowing and provided a narrative for the planting plan. After brief discussion the Commission agreed this is a very nice plan. A motion was made to approve the plan as presented. The motion was seconded and unanimously approved with four in favor.

**DISCUSSION TOM DELLA ROCCO FOR LARRY ROCKEFELLER; SE 12 – 536; 16 Greenhouse Lane; AP 33-31:** Mr. DellaRocco explained an Order was issued in 2007 for stabilizing the bank with nourishment and planting vegetation. The Order allows on-going maintenance provided the plan is reviewed with the Commission before work begins (last maintenance 2012). He shared photos of the bank after the 2012 plan was executed and the condition after this spring's "four-easters". He then shared a narrative of how the bank will be nourished and re-planted—just as done in 2012. A motion was made to approve the maintenance plan as presented. The motion was seconded and passed unanimously with four in favor.

**POSSIBLE DISCUSSION KATHLEEN TILTON; 10 Eben's Lane; AP 13-21:** Ms. Tilton did not attend to discuss this proposal. The Commission is the Grantee of a CR that limits the development of this property. In November 2015 The Commission approved a change to Section B # 7 of the CR requested by the Grantor, the Vineyard Conservation Society (VCS). The change amended the exceptions to otherwise prohibited acts and uses to allow the placement and maintenance of a barn that does not exceed 2,000 sq. ft. provided it will not be used for human habitation. This shall be done in consultation with the Grantee to maximize consistency with the conservation purposes of the CR. Kathleen would like to build a horse barn.

#### **ADMINISTRATION:**

The draft March 21, 2018 meeting minutes were reviewed and approved as presented by consensus.

#### **Signatures:**

Order of Conditions SE 12 – 812; Benham; AP 30-106.1 (if voted).  
Determination of Applicability MacIsaac; AP 33-117 (if voted).  
Certificate of Compliance SE 12 – 782 Aronoff; AP 21-33.

The next meeting will be Wednesday, April 18, 2018 @ 12:30 PM.

With no further business to discuss the meeting adjourned at 1:30 PM.

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