

Conservation Commission Minutes 04/05/17

FINAL

Present for the Conservation Commission and attending the meeting were: Candy Shweder, Chairman, Joan Malkin, Vice Chairman, Sandy Broyard, Pam Goff, Chris Murphy, Maureen Eisner and Chuck Hodgkinson. Reid Silva, Chris Alley, Michael Barclay, Marie Larsen, Thomas Bena and Doug Cooper also attended. Bob Hungerford and Russell Maloney did not attend.

The meeting came to order at 12:30 PM.

NOI (NO DEP FILE #; LOCAL BYLAW ONLY); CHRIS ALLEY FOR CHRISTINA LURIE; 2 Gosnold's Way; AP 14-1:

Ms. Shweder explained this hearing was originally opened on 11/16/16, continued to 1/18/17 and continued again to 4/5/17. It is seeking a permit to construct a tennis court, deck and fencing within the buffer zone of an isolated wetland. A new location was proposed on January 18 that is 30 feet from the wetland edge.

The agreement made on January 18th was to consider a new location on the 40-acre lot -- preferably outside the buffer zone and obtain NHESP approvals as needed. During the discussion on January 18th the Commission also had asked for cross-section drawings for the tennis court, deck and site grading and elevated walkway if one is proposed. The Commission had also asked if Mr. Alley would prefer to review the new location with the Commission before going to the NHESP to make sure it satisfies the Commission's concerns with its proximity to the wetland. Mr. Alley declined the suggestion and re-stated his request to continue the hearing to April 5.

After reviewing the history of this application Ms. Shweder opened the public hearing at 12:31 PM and confirmed there are only four eligible voters in attendance – herself and Commissioners Malkin, Goff and Murphy.

Mr. Alley reviewed a revised site plan dated 3/17/17 that rotated the tennis court 30 degrees and pointed out it is now 35 feet from the wetland edge. This was done to move the court farther from the wetland and stay within the NHESP's previously-approved building envelope. Mr. Barclay added there will be no elevated walkway as a grassy path would be cleared on the upland side of the wetland and in a different location than shown on the site plan. They also plan to widen the existing drainage swale, plant native grasses and install subsurface drainage pipes to channel the water away from the wetland's water gathering area.

The Commission discussed their observations at the earlier site visit and asked why the viewing platform is on the wetland side of the court. Mr. Barclay said it could be relocated to the opposite side of the court. The Commission reiterated its role of protecting the interests of the wetland and its buffer zone. They asked why a new location that is outside its jurisdiction was not considered as this is a 40-acre parcel of land. While the area may have been mistakenly cleared this should not necessarily justify placing the court in the cleared area. The Commission pointed out it is the applicant's responsibility to provide an alternatives analysis and explain how the proposal will not harm the performance and interests of the resource.

After further discussion the applicant requested a continuance to April 19 @ 12:40 PM to provide time to evaluate alternatives. A motion was made and seconded to grant the continuance. In discussion it was pointed out the four members present are the eligible voters. The motion passed unanimously with four in favor.

RFD MARIE LARSEN; 2 Menemsha Crossroad; AP 26-100: Ms. Larsen reviewed a site plan to replace the two existing storage sheds that are currently located approximately 40 feet from the edge of a Bordering Vegetated Wetland. The footprints and height of each shed will not change and they will sit on cinder blocks. The Commission discussed alternative locations and agreed the sheds can remain in their current locations. A motion was made for a negative determination with the following conditions: 1. Silt fencing shall be installed between the work area and wetland to the west. 2. All debris shall be removed from the site daily or stored in a covered dumpster to prevent material from blowing into the resource area. The motion came to a vote and passed unanimously with six in favor.

SE 12 – 784; REID SILVA FOR OLS MV, LLC; 11 Flanders Lane; AP 27.1-204: Mr. Silva explained an Order was issued in February 2017 to tear down and re-build the existing dwelling. As conditioned he would like to review the detailed landscape plan and roof water runoff and containment plan. Mr. Silva reviewed a site plan dated 4/5/17 with two 6' wide X 8' deep dry wells to collect the roof water runoff. He pointed out the area of existing lawn that will be allowed to return to meadow grasses as on the rest of the property. This area would not be maintained other than mowing once or twice per year. The Commission asked Mr. Silva to add the specific delineation for the woody vegetation and meadow grass areas on the site plan. Mr. Silva agreed. A motion was made to approve the plans as presented. The motion was seconded and passed unanimously with six in favor.

DISCUSSION SE 12 – 780; REID SILVA FOR HEIDI PUTZE; 18 Greenhouse Lane; AP 33-32: Mr. Silva explained an Order was issued to re-vegetate and stabilize the coastal bank with a condition of returning with a managed retreat plan as the dwelling is five feet from the edge of the Coastal Bank. He added on December 21, 2016 the Commission reviewed a proposed exit strategy for this house and the following schedule was agreed:

The applicant shall return on the April 5, 2017 meeting with the final schematic design and construction plans and methods. A septic plan should also be included.

If there is a significant storm event before April 2017 that exposes the wall of the current foundation the applicant shall return within two weeks after the storm event with a plan to immediately remove the structure.

If there is no significant storm event before the April 2017 meeting the final retreat plan shall be fully permitted for a planned construction start date of October 1, 2017. This includes any and all required permits such as an approved Order of Conditions, any Board of Health permits, any Zoning Special Permits and a Building Permit.

Mr. Silva explained the owner's plans. The Commission decided Chuck H. should send a letter to Mr. Silva directing him (and the owner) to have a schematic plan available for consideration at the May 17th meeting. Mr. Silva agreed.

ADMINISTRATION:

The draft March 15, 2017 meeting minutes were reviewed and approved as presented by consensus.

The draft custom flyer was reviewed. Chuck H. will find better visuals for the back panel.

Ms. Shweder introduced the thought of initiating a home rule petition that would prohibit the spraying of chemicals in Chilmark. This is in response to Eversource's notification that it plans to spray the roadsides along South and State Roads. It was thought Aquinnah may have a home rule petition along these lines. Thomas Bena supported the idea and offered to help if needed. Chuck H. will research this and report back to the Commission.

The following document was signed:

Determination of Applicability Larsen; AP 26-100.

With no further business to discuss the meeting adjourned at 2:00 PM.

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