

Conservation Commission Minutes 04/18/18

FINAL

Present for the Conservation Commission and attending the meeting were: Candy Shweder, Chairman, Joan Malkin, Vice Chairman, Pam Goff, Chris Murphy, Bob Hungerford, Maureen Eisner, Sandy Broyard and Chuck Hodgkinson. Reid Silva, Chris Alley, Matt Cramer, Greg Milne, John Abrams, Bob Labaree, Steve McGhee and Susan McGhee also attended. Russell Maloney did not attend.

The meeting came to order at 12:30 PM.

CONTINUED PUBLIC 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: Ms. Shweder confirmed all seven Commissioners are eligible voters. Mr. Silva explained he has not yet finished addressing the DEP questions and requested a continuance to May 16, 2018 @ 12:30 PM. A motion was made and seconded to accept the request. The motion passed unanimously with seven in favor.

SE 12 – 813; CHRIS ALLEY FOR 76 MENEMSHA INN RD., LLC; 76 Menemsha Inn Rd.; AP 21-33: Ms. Shweder opened the public hearing at 12:35 PM. Mr. Alley reviewed the history of this lot and reminded the Commission it approved a re-development plan several years ago which was ultimately not executed. He said there is a new owner with a similar re-development plan that in his opinion is not as aggressive as the previously approved plan. He added the majority of the plan is within the stream resource, stream bank areas, wetland buffer zones and the two Riverfront Areas. The proposed plan relocates the features farther from the resources than what exist with the current development.

The plan is outlined in a two-phased work sequence. Each phase has its own site plan. Phase I site plan dated 4/14/18 proposes the removal of the existing dwelling, 8 spruce trees, one of the two bridges and the existing walking trails. A new singular walking trail is proposed to a reconstructed bridge over the stream. The existing stairway will also be re-built. The septic tanks will be emptied, filled with sand and buried in place. A section of the property on the northeast side will be restored to a native sand plain habitat as described in the Wilkinson narrative dated 4/17/18. The trees in this area will remain. The footprint of the demolished house will be re-vegetated with jute netting staked in place to contain erosion until the vegetation is established.

The Commission discussed its observations from site visit and agreed this Phase I plan has fewer disturbances to the resource areas and buffer zones and is eliminating the structure entirely. They asked and Mr. Alley confirmed there will only be a 15' X 15' mowed section and one footpath through the footprint of the old structure. The Commission added the removal of the current camp must be performed as conditioned in the previous plan. Mr. Alley said the DEP had several questions. He summarized his discussions with the DEP which were ultimately found acceptable when the details were more clearly described.

Abutter Mr. Labaree asked if the sand plain restoration that is on his side of the property will go to the lot line. Mr. Alley explained the closest area that will be cleared of briars is 25 feet from the lot line. The existing vegetation in the 25-foot buffer will not be touched.

With no further questions Mr. Alley reviewed the Phase II site plan dated 4/14/18. A 3-bedroom dwelling is proposed with a foundation footprint of approximately 1,624 sq. ft. for 2,575 sq. ft. of living space. A new septic system will also be installed a portion of which is 66 feet from the stream and wetland edge. There will also be 207 sq. ft. of retaining walls, 896 sq. ft. of decks and 851 sq. ft. of courtyard space which will be cut into the natural slope of the property. The driveway entrances will be relocated to be entirely on this parcel. The majority of the new dwelling is within the 100-foot buffer zone of a Wetland draining into Vineyard Sound and within the Riverfront Area of a perennial stream.

The Commission asked how if there is a water drainage plan on the north side of the house where the land slopes downgrade to the Sound. Mr. Alley said there is not. Abutter Ms. McGhee asked if the existing dwelling can be maintained under the bylaw. The Commission said yes, this is allowed and explained that location is very sensitive as the camp sits over the stream.

With no further public comment on Phases I or II and with no questions from the Commission a motion was made to close the hearing at 1:32 PM. The motion was seconded and unanimously approved. The Chair suggested voting on each Phase separately and the Commission agreed. A subsequent motion was made to approve the Phase I plan as presented with the following special conditions:

- An erosion control system of staked coir logs and silt fencing shall be installed as shown on the Phase I site plan dated 4/14/18. All erosion control measures shall be installed and maintained in good condition throughout all construction of Phases I and II and until the re-vegetation landscape plan is approved, installed and has taken hold.
- The erosion control system shall be installed and approved by the Conservation Agent (CA) before any Phase I work begins.
- The existing house and block foundation shall be de-constructed using hand tools with the debris removed from the site daily via a trailer. Any gas-powered hand tools shall be fueled in the proposed parking area as shown on the Phase II site plan and outside the resource area and 100-foot buffer zone of the resource area.
- Any debris that falls into the stream shall be removed immediately.
- The log berm in the stream shall be left in place. All other loose wooden planks and debris along the stream bed and in the stream shall be removed.
- The existing bridge over the stream and wetlands shall be removed and replaced with a similar bridge that spans over the two banks and stream.
- The existing timber stairway shall be reconstructed at its current location.
- The existing septic tanks that will be abandoned shall be emptied, filled with sand and buried in place.
- A 50-foot buffer on both sides of the Bordering Vegetated Wetland (BVW) shall be re-vegetated and become a no-cut zone except for the approved paths around the house and the proposed walking path to the re-constructed bridge. Native growth shall be allowed to return on the abandoned, pre-existing paths.

The motion was seconded and after brief discussion passed unanimously with seven in favor.

A second motion was made to approve the Phase II plan as presented with the following special conditions:

- As with Phase I an erosion control system of staked coir logs and silt fencing shall be installed as shown on the Phase II site plan dated 4/14/18. All erosion control measures shall be installed and maintained in good condition throughout the construction of Phase II and the revised re-vegetation landscape plan is approved and has taken hold.
- The erosion control system shall be installed and approved by the Conservation Agent (CA) before work any Phase II work begins.
- The screened porch as shown shall never be enclosed as a 4-season room.
- The removal of the eight spruce trees is allowed. They shall be flush cut with the stumps left in place. The trees in the re-vegetated sand plain area shown in the Wilkinson plan dated 4/17/18 will remain.
- The applicant shall return with a revised landscape plan for both Phases I and Phase II sites for approval by the Commission before work begins. The revisions to the Wilkinson Plan dated 4/17/18 shall include:
 - a specific water drainage plan for the side of the new dwelling facing the un-named stream and Vineyard Sound.
 - A native shrub vegetated area shall be restored along the inside of the limit of work as shown on the Phase II site plan. The shrub area shall be on the north and east side of the new house.
- The stockpiling area for all construction materials and debris shall be as shown on the Phase II site plan -- on the road side of the new dwelling in an area planned for disturbance.
- All construction debris shall be stored in a covered dumpster or removed from the site daily.
- The excavation spoils shall be stored on the road side of the new dwelling as space permits. If there is no space the spoils shall be removed from the site daily.

The motion was seconded and passed with six in favor and one opposed (Ms. Eisner).

FOLLOW UP DISCUSSION SE 12 - 813; REID SILVA FOR HELEN BENHAM; 24 Windy Gates Rd.; AP 30-106.1: Mr. Silva explained this Order was approved at the last meeting with several follow up conditions: 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 as shown on the revised site plan dated 4/17/18:

- The new location for the concrete foundation drainage water pump chamber to the gravel trench.

- 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 Commission discussed the observations made on the second site visit and thought the revisions as presented satisfied the follow up requirements. A motion was made to approve the revised site plan dated 4/17/18 as presented with the following additional conditions:

- A method of clearly marking the perimeter of the cleared area on the lot shall be approved by the Conservation Agent (CA).
- Both the contractor (South Mountain Co.) and the applicant shall notify the CA before work begins to approve the installed siltation barriers and review the scope of work.

The motion was seconded and approved with six in favor and one abstention (Mr. Murphy).

Mr. Abrams separately asked if the Commission would allow a screened porch to be added over the deck and with an extension past the deck limit on the southwest side of the house that is closest to the wetland. After much discussion of possible pros and cons the Commission said it does not officially comment on speculative projects. It recommended filing a Notice of Intent for formal review.

CERTIFICATE OF COMPLIANCE AMENDED SE 12 – 294; BOB SKYDELL; _____ AP 7-10.6; Chuck H. explained an Order was issued in 1996 to create a public walking trail across several parcels of private property. A partial certificate of compliance has been issued to release the Dunkl's property from the scope of work. The project was abandoned because of a neighbor dispute. He read a letter from Mr. Skydell attesting to this sequence of events and recommended issuing a certificate for an invalid Order because the work was never completed. A motion was made and seconded to accept the recommendation. In discussion it was agreed to condition the Certificate stating the Commission strongly supports connecting the trails as planned at some point in the future. The motion passed unanimously with seven in favor.

ORDER OF CONDITIONS 3-YEAR EXTENSION SE 12 - 738; MARY JANE PEASE; _____ 11 Old Hunt Place; AP 24-201; Chuck H. explained an Order was issued in May 2015 to re-build an elevated walkway over a salt marsh to Chilmark Pond. Mary Jane asked for an extension because it has not yet been built by her son. A motion was made and seconded to approve the three year extension. In discussion one Commissioner thought the extension should not be granted because of the sensitivity of the area. The motion came to a vote and passed with four in favor, one opposed (Mr. Murphy) and one abstention (Ms. Eisner).

ADMINISTRATION:

The review of the draft April 4, 2018 meeting minutes was postponed to the next meeting.

Town Hall site plan with wetlands delineation. Chuck H. explained the Commission wanted Doug Cooper to delineate the wetland resources on the town hall site that is being considered as a possible location for a new fire station. He shared the surveyed site plan with the resource and buffer zones delineated.

Repair 2 docks on Chilmark Pond; Blaut; 281 South Rd.; AP 18-57; Chuck H. explained these two side-by-side docks were installed many years ago by the Dunkl's. The docks have locust posts and were damaged in the recent four-easters. He shared photos and said the docks do have a Chapter 91 license for maintenance. They would like to replace a total of 20 locust posts on both docks with new locust posts, repair stringers and decking. A motion was made to allow the maintenance as described. The motion was seconded and passed unanimously with seven in favor.

David Damroth Subdivision MVC condition 3.2: Ms. Malkin explained the MVC approved a subdivision of AP11-54.4, 54.5. A third, 1-acre Youth Lot was created. One of the MVC conditions calls for an easement and Conservation Restriction be filed with the Town or other qualified body for the maintenance of this trail if it is ever built and connected to additional trail easements that currently do not exist. Ms. Goff mentioned the Land Bank holds many of these “dormant easements” as they are classified. Ms. Malkin recommended that the Town should not be the grantee of the easement. A motion was made and seconded to accept Ms. Malkin’s recommendation. The motion passed unanimously with seven in favor.

Signatures:

Order of Conditions SE 12 – 813; 76 Menemsha Inn Rd., LLC; AP 21-33.

Certificate of Compliance Amended SE 12 – 294; Skydell; AP 7-10.6.

Order of Conditions Extension SE 12 – 738; Pease; AP 24-201.

The next meeting will be Wednesday, May 2, 2018 @ 12:30 PM.

With no further business to discuss the meeting adjourned at 2:45 PM.

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