

Conservation Commission Minutes 04/19/17

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, Bob Hungerford and Chuck Hodgkinson. Reid Silva, Chris Alley, Michael Barclay, Josh Kochin and Doug Cooper also attended. Russell Maloney did not attend.

The meeting came to order at 12:30 PM.

PUBLIC HEARING NOISE 12 - 787; REID SILVA FOR CS – RE1, LLC; 86 Stonewall Road; AP 32-71:

Ms. Shweder opened the public hearing at 12:32 PM. Mr. Silva discussed the observations made at the site visit and reviewed a site plan dated 3/23/17 to remove the existing, failed septic leaching facility and install a new, upgraded facility in the current driveway off the road. The existing driveway will be re-graded as needed back to its original condition. The work is in the 100-foot buffer zone of a Swamp Wetland. The closest activity is approximately 54 feet from the wetland edge. After discussing possible alternatives and with no public comment a motion was made to close the hearing at 12:37 PM. The motion was seconded and unanimously approved. A subsequent motion was made to approve the plan as presented with the following conditions: 1. The excess excavation spoils shall be removed from the site daily. 2. Siltation barrier(s) shall be installed between the work area and roadway to prevent material from washing down the road to the beach. The siltation barrier(s) shall be approved by the Conservation Agent before work begins. The motion was seconded and with no further discussion passed unanimously with seven in favor.

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, continued again to 4/5/17 and continued to today. She then confirmed there are only four eligible voters – herself and Commissioners Goff, Murphy and Malkin and re-opened the hearing at 12:40 PM. The applicant is seeking a permit to construct a tennis court, deck and fencing within the buffer zone of an isolated wetland.

Mr. Barclay reviewed a revised plan that placed the tennis court 50 feet from the wetland edge. He added the planned six-foot wide grassy path runs along the up-grade edge of the wetland. Mr. Alley added the wetland is wind-blown sand on top of impermeable glacial till. Mr. Kochin said the area will be revegetated with native huckleberry. Mr. Barclay also said a swale with cobble will be dug to channel the water from the wetland to a dry well. The swale will have check dams at 20-foot intervals to minimize erosion during heavy rain storms. The Commission asked if a culvert under the road would be a better solution than the dry well. Mr. Alley agreed.

When asked Mr. Barclay said there will be French drains around the tennis court surface and the water will drain away from the wetland.

The Commission asked about alternative locations—out of its jurisdiction. Mr. Barclay said the only other level location is near the main house that is under construction. The proposed location is out of the owner's view and a pool is planned near the house.

After much discussion and with no comment from the public a motion was made to close the hearing at 12:56 PM. The motion was seconded and unanimously approved. A second motion was made to approve the plan as presented with the following change and conditions: 1. Before work begins the applicant shall provide a revised site plan showing the road culvert in lieu of the dry well, the location of the siltation barrier between the work area and wetland; a detailed landscape plan showing the existing vegetation that will remain and a list of additional, native plant stock, methods and materials. 2. An on-site conference shall take place among the Conservation Agent (CA) and the contractor(s) to review this Order and inspect the installed siltation barriers before work begins. The siltation barriers shall be left in place and maintained in good condition until the re-vegetation has been established. The motion was seconded and with no further discussion passed with four in favor and three abstentions (Commissioners Hungerford, Eisner and Broyard).

CERTIFICATE OF COMPLIANCE SE 12 – 522; REID SILVA FOR JOHN M. CALLAGY; 2 Squibnocket Rd.; AP 33-76.1:

Chuck H. explained an Order was issued in 2006 to excavate, trench, backfill, re-grade, landscape and re-vegetate within 100 feet of a Bordering Vegetated Wetland. This work was done in order to renovate an existing dwelling, rebuild retaining walls, install underground utilities and install a septic tank – to connect to a new leaching facility outside of the buffer zone. After reviewing photos of the site he recommend the project is in full compliance. A motion was made to accept the report and issue the certificate. The motion was seconded and unanimously approved with seven in favor.

DISCUSSION SE 12 – 709; REID SILVA FOR EILEEN S. MAYHEW, TR.; 3 Clam Point Cove; AP 33-121: Mr. Silva explained an Order was issued in 2014 to mow a 3-foot wide grassy path to the top of the Quitsa Pond Coastal Bank and install a 12 ft. stairway down the bank. The lot is undeveloped. Two conditions of the Order specified: #1. No work shall begin until the working drawings for the final stairway are reviewed and approved by the Commission. #3. Should access from the stairs over the marsh to the water be desired, a separate plan for water access that protects the salt marsh shall be submitted and approved by the Commission – before the stairs are built and installed.

The property is at Purchase and Sale. Mr. Silva reviewed the stair design detail dated 4/19/17. The Commission approved this design. Mr. Silva then asked for clarification on Condition # 3. After much discussion the Commission agreed to send a letter with prior approval by the Chair for filing with the Order at the registry. The agreed clarification is as follows: Condition # 3 in the Order states “Should access from the stairs over the marsh to the water be desired, a separate plan for water access that protects the salt marsh shall be submitted and approved by the Commission – before the stairs are built and installed.” This condition does not preclude access to the pond by individuals. It specifically relates to a requirement that must be satisfied for any sort of desired pond access to or from the shore of any watercraft. This is to protect the salt marsh resource from potential harm caused by dragging watercraft across the marsh grass to and from the shoreline.

Mr. Silva then formally asked for a three-year extension of the Order. A motion was made and seconded to grant the three-year extension that will expire on April 19, 2020. The motion passed unanimously with seven in favor.

DISCUSSION SE 12 – 764; REID SILVA FOR PAUL SLAVIN AND SUSAN WAITZKIN; 6 Eddy Farm Rd.; AP 25-1.2: Mr. Silva explained an Order was issued in 2016 to tear down the existing house and build a new one. He added the site will need a drainage system which was not a part of the plan and reviewed a revised site plan dated 4/19/17 that has two sub-surface water drainage leaching fields with infiltration beds. The system will manage roof water runoff and landscape drainage.

After discussion the Commission agreed this is a needed addition to the approved plan. A motion was made to declare the drainage plan as an inconsequential change. The motion was seconded and unanimously approved with seven in favor. A second motion was made to approve the drainage plan dated 4/19/17 with the following condition: a second siltation barrier shall be installed between the gravel infiltration beds and the wetland and approved by the Conservation Agent. The motion was seconded and unanimously approved with seven in favor.

ADMINISTRATION:

The draft April 5, 2017 meeting minutes were reviewed and approved as presented by consensus.

The draft custom flyer was reviewed and approved. The Commission will print these internally as needed.

The following documents were signed:

Order of Conditions No DEP file #; Lurie; AP 14-1.
Order of Conditions SE 12 - 787; CS RE1, LLC; AP 32-71.
Certificate of Compliance SE 12 – 522; Callagy; AP 33-76.1.
Order of Conditions Permit Extension SE 12 - 709; Mayhew; AP 33-121.

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

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