

Conservation Commission Minutes 01/18/17

FINAL

Present for the Conservation Commission and attending the meeting were: Candy Shweder, Chairman, Joan Malkin, Vice Chairman, Pam Goff, Bob Hungerford, Sandy Broyard, Maureen Eisner, Russell Maloney, Chris Murphy and Chuck Hodgkinson. Graeme Flanders, Joe Chapman, George Sourati, Seth Wilkinson, Juliet Cestar, Brad Floyd, Matt Cramer, Jay Lagemann, Edie Prescott, John Keene, Diana DeBlase and Chris Alley also attended.

The meeting came to order at 12:30 PM.

CONTINUED PUBLIC HEARING FROM NOVEMBER 16, 2016; NOI LOCAL BYLAW ONLY (NO DEP FILE #); CHRIS ALLEY AND MICHAEL BARCLAY FOR CHRISTINA LURIE; 2 Gosnold's Way; AP 14-1: Eligible voters:

Chris, Joan, Maureen, Pam, Candy, Russell and Bob: Ms. Shweder opened the continued public hearing at 12:31 PM. Mr. Alley explained they have a proposed new location for the tennis court, deck and fencing that is now 30 feet from the wetland edge rather than 9 feet as originally proposed. He added the NHESP review will take several months and requested the hearing be continued to April 5, 2017 @ 12:30 PM to provide more time to prepare the cross-section drawings as requested and obtain NHESP comments. He said all abutters will be re-notified of the hearing date when the time approaches. The Commission asked if he would prefer to review the location with the Commission before going to the NHESP to make sure it satisfies our concerns with its proximity to the wetland on a 40-acre parcel. Mr. Alley declined the suggestion and re-stated his request to continue the hearing to April 5. A motion was made to accept the request. The motion was seconded and passed with seven in favor and one abstention (Commissioner Broyard).

PUBLIC HEARING: REQUEST FOR AN AMENDED ORDER OF CONDITIONS; SE 12 – 760; GEORGE SOURATI FOR MATHEW CESTAR; 12 Hill Land; AP 32-40 (Peggy Freyberg's house): Ms. Shweder opened the public hearing at 12:45 PM and read the history of this project to date. Mr. Sourati introduced the owner Juliet Cestar and the project team. He explained the requested changes today for an Amended Order include the complete tear down and re-build of the remaining 1965 kitchen wing; the “bump out” closest to the stream will be removed; the removed decks will be replaced on new footings; a request to install a crawl-space foundation instead of the approved pier foundation system under this section.

The center living area will be significantly re-built and the existing foundation will be replaced with a crawl-space foundation; the existing retaining walls leading to a 3' X 3' entrance will be removed, the area filled and the entrance will be closed off.

The “L” wing will be demolished and re-built instead of renovated. The existing foundation will remain. The decking on the “L” wing will be replaced.

The resources subject to regulation are the buffer zones of a Perennial Stream, the 1st 100-feet of the Riverfront zone, Bordering Vegetated Wetland draining into a coastal pond, Coastal Bank of Stonewall Pond and the 100-year flood zone for Stonewall Pond. The closest proposed limit of work extends to the wetland edge bordering the stream and 19 feet from the stream.

The Commission asked if the majority of the house is demolished and new foundations built why not build a new house farther away from the resources than the current site. They also asked why the pier foundation system under the kitchen wing was presented as a viable solution and approved in October 2016 is now something that will not work. There was much inconclusive discussion about methods, materials and other construction logistics. Two letters from owners of the property located at 9 Moses West Road were read for the record. The Building Inspector said the house cannot be relocated because it is in the zoning shore zone. After further discussion the Commission asked the applicants to organize their plans further, draft a detailed narrative for each of the three sections and continue the hearing to February 1, 2017 @ 12:45 PM. A motion was made and seconded to continue the hearing. In discussion Chuck H. was asked to prepare a narrative content outline for the applicants. A special site visit will also be scheduled for January 25, 2017 @ 2:00 PM to have the details presented again for each of the three sections with the accompanying written narrative for each. The motion came to a vote and passed with six in favor and two abstentions.

CERTIFICATE OF COMPLIANCE AMENDED SE 12 – 704; NORTH STAR REALTY TRUST; (Graeme Flanders) 4 Tucker Trail; AP 33-55: Chuck H. explained an Order was issued to tear down and build a new home and garage in June 2014 and subsequently amended to add a slate patio in August 2015. He shared photos and recommended the project is in full compliance. A motion was made to accept the report and issue the Certificate as recommended. The motion was seconded and passed unanimously with eight in favor.

CERTIFICATE OF COMPLIANCE SE 12 – 737; NORTH STAR REALTY TRSUT; 4 Tucker Trail; AP 33-55: Chuck H. said an additional Order was issued in May 2015 to add sub-surface foundation drains to this project. He recommended the project is in full compliance. A motion was then made to accept the report and approve the Certificate as in full compliance. The motion was seconded and passed unanimously with eight in favor.

CERTIFICATE OF COMPLIANCE AMENDED SE 12 – 099; MARGARET LANG; AP 21-38: Chuck H. explained we have no files for this project and that because of successive subdivisions lot 38 no longer exists. Ron Rappaport's office is requesting the Certificate of Compliance and forwarded both the original and amended Orders. After reviewing the 1989 subdivision files the Amended Order was to install a stream culvert under Menemsha Inn Rd. Chuck H. shared photos and recommended the project is in full compliance. A motion was made and seconded to accept the recommendation and issue the Certificate. The motion passed unanimously with eight in favor.

CERTIFICATE OF COMPLIANCE SE 12 – 705; ROBERT KEGAN; 127 State Rd.; AP 33-15 (Mayhew house at Hariph's Creek): Chuck H. discussed an Order was issued in June 2014 to renovate and expand the existing single-family residence. The expansions are within the 100-foot buffer zones of the top of the Nashaquitsa Pond Coastal Bank and Salt Marsh and within the buffer zone of a 5,480 sq. ft. Wetland. The closest activity is approximately 82 feet from the Coastal Bank and Salt Marsh and 75 feet from the wetland edge. He shared photos and recommended the project is in full compliance. A subsequent motion was made to accept the report and issue the Certificate as recommended. The motion was seconded and passed unanimously with eight in favor.

FOLLOW UP DISCUSSION SE 12 – 782; CHRIS ALLEY AND MATT CRAMER FOR DAVID ARONOFF; 76 Menemsha Inn Rd.; AP 21-33 (the re-development of the lot on the north shore with the small camp over a stream): Ms. Shweder read a summary of this project as follows: An Order was issued on November 4, 2016 for Phase I: the tear down of the existing camp; replacement with a viewing platform and fireplace (this was not approved as presented) and Phase II: the construction of a new house closer to Menemsha Inn Rd. (the garage/storage structure was not approved as presented). A follow up discussion took place on November 16 with proposed changes that were not accepted. The applicants would like to present additional suggested solutions and as requested, review the 50-foot no cut buffer zones on both sides of the wetland; review the water drainage system and landscape plans for both phases. The specific special conditions for follow up are as follows:

Phase I: Condition # 7: The plan for the deck and chimney as proposed and shown on the Phase I site plan is not approved and without prejudice. The applicant shall return to the Commission with a revised plan showing no viewing platform as an option.

The plan shall consider moving farther away from the stream; reducing the footprint; minimizing the number of bridges and provide a new overall site plan for all walking paths.

The applicant presented revised plans from Hutker Architects dated 1/18/17. The size of the proposed viewing platform was reduced and is now 16 feet from the wetland edge and supported by piers. The chimney and fireplace are still shown and supported by a separate footing. A Phase I landscape plan from Horiuchi, Solien dated 1/18/17 was also presented. This plan removed two existing footpaths and the two existing bridges over the stream. One new bridge is proposed with one walking path to the newly located bridge. Eight white spruce trees near the existing camp would be flush cut to open the view.

Phase I Condition # 8: The revised plan will show a 50-foot no cut buffer on both sides of the Bordering Vegetated Wetland (BVW) as shown on the Phase I and II site plans dated 10/11/16. The no cut zone shall indicate those areas that are currently cleared and maintained as a walking path or as open space. These areas may be maintained as they have been over the years.

Seth Wilkinson presented a site restoration plan dated 1/13/17 and supporting narrative. To restore the habitat it proposed hand pruning the green briar (about 50% of the brush) on the land between the Phase I and II structures (shown in light green). The thicket that abuts the current cleared area north of the stream near the north lot line (shown in dark green) would be removed and the area seeded with sandplain grass to restore this native grassland habitat. This area is within 50 feet of the wetland and abuts the top of the coastal bank to the north. Native plants will be installed from Polly Hill stock and two autumn olives removed on the north side of the stream in front of the camp (shown in dark blue).

Ms. Horiuchi mentioned a temporary, above-ground irrigation system is proposed until the new plantings are established on the entire site, not expected to last more than 2-3 years. A permanent below-ground irrigation system is planned for the rectangle garden area on the south side of the house. She added no fertilizers, pesticides or fungicides will be used to establish or maintain the landscaping.

Phase II Condition # 4: A new outdoor access plan to the storage basement (shown in green on the Phase II site plan) shall be redesigned to increase the distance between the limit of work and the edge of the BVW. Consideration should be given to

providing a footpath entrance and eliminating access for the winter storage of an automobile which would in turn, increase the disturbance distance from the wetland.

The Hutker Architects plans dated 1/18/17 for Phase II were presented. The garage was moved from the east side of the house and closest to the wetland to the west side of the house near the parking area, thereby eliminating the proposed driveway on the east side. There will only be a walk-in entry way on the east side for storage. The master bedroom on the west side was then moved farther north toward the stream to accommodate the relocated garage. The northern-most section of the bedroom is still > 50 feet from the wetland edge. Page 3 of the site plans reviewed the revised foundation plans for the various sections of the new house and garage. It will have a combination of slab-on-grade (garage), crawl space, full basement and cantilevered supports for specific sections of the main house. A roof water drainage plan was also presented with three dry wells for the roof water runoff.

Phase II Condition # 5: The applicant shall return with a landscape plan for both Phase I and Phase II sites for approval by the Commission before work begins. The plan shall also include a specific water drainage plan for the side of the new dwelling facing the un-named stream and Vineyard Sound.

The Horiuchi landscape plan for the area inside the limit of work was discussed. The Commission wanted the area within the limit of work that is currently woody vegetation and brush to be restored back to this state to maintain the habitat. Retaining walls will be installed around the parking area and the walk-in storage area as shown on the plan.

Discussion

The Commission reiterated that this project would not be allowed if the property was a vacant lot. The over 3,000 sq. ft. main house is within various buffer zones and would most-likely not be permitted. The Commission felt the demolition of the existing house that is immediately adjacent to and within wetland resource areas will reduce adverse impacts. The majority of the new replacement house elements that are still in the buffer (Phase II) were approved at the previous meeting. The re-designs reviewed today are an improvement. Therefore the proposed viewing platform and chimney structures in the Phase I plan should not be allowed. Permitting both Phase I and Phase II activities as proposed would keep structures in a very sensitive location near a wetland and stream while also allowing a much larger structure in the buffer zones. The Commission concluded keeping both the Phase I and Phase II structures would over burden the sensitive resource areas and present unacceptable impacts.

Phase I Motion: After much discussion a motion was made to:

- approve the removal of the two existing paths and two bridges;
- approve the proposed new bridge over the stream provided there are no supports in the wetland or stream and that the detailed plans and cross-sections for the bridge are approved by the Conservation Agent before work begins;
- approve the proposed new path to the bridge as shown on the site plan;
- approve the phase I Wilkinson landscape and restoration plan including the removal of shrubs north of the stream near the north lot line and the planting of the sandplain grassland habitat in its place;
- approve the flush cutting of the eight white spruce trees south of the camp and shown on the plan; the removal of two autumn olives north of the camp near the stream;
- not approve the viewing platform and the chimney and fireplace;
- all other conditions outlined in the original Order still apply.

The motion was seconded and with no further discussion passed with seven in favor and one abstention (Mr. Hungerford).

Phase II Motion: After much discussion on this part of the plan a motion was made to:

- approve the revised architectural and foundation plans as presented for the main house which will only have one driveway;
- approve the dry well drainage system;
- approve the retaining walls as presented;
- approve the irrigation systems as presented;
- approve the Wilkinson/Horiuchi landscape plans as presented with the exception of the revegetation plan on the east side of the house limit of work that is closest to the wetland (shown in dark blue). The Conservation Agent shall inventory the

extent of woody vegetation and brush that will be removed within the limit of work and north of the house. This area as hand-drawn on the site plan will then be re-planted to replicate the woody, shrub habitat that exists now;

- all other conditions outlined in the original Order still apply.

The motion was seconded and with no further discussion passed with seven in favor and one abstention (Ms. Eisner).

Ms. Shweder left the meeting for a Library Trustees meeting at 2:50 PM. Ms. Malkin assumed the Chair.

DISCUSSION JAY LAGEMANN REGARDING THE MENEMSHA HARPOONER STATUE: Mr. Lagemann explained the statue has been in its location for over 20 years. Over a year ago the Selectmen gave him approval to remove the statue from its location and cast a bronze replica to replace the original concrete statue. On 12/6/16 he was asked by the Selectmen to meet with the Conservation Commission. The base to support the bronze statue would need to be made with reinforced concrete 6' X 2' X 2'. Mr. Lagemann said the new base is smaller than the old one which will be left in place as it is covered by several feet of sand. The Commission agreed the new base is less intrusive than the old one. A letter from the Chairman of the Board of Selectmen to the Commission explaining they assumed the new statue would be placed in its former location and the Board voted to return it to its traditional location in the sand dune. The Commission discussed that this is a replacement of what was placed there for the Town's Tri-centennial. The issue as to whether or not a permit would be required was raised. There were many opinions. A subsequent motion was made to require the Town to file a Notice of Intent permit application. The motion was seconded. In discussion Mr. Lagemann explained the statue can be re-installed using a medium-sized front end loader to carry it to the location for final placement. The front loader path to the location can be routed to avoid damage to the beach grass and the work can be done in one day. The Commission determined there would be no adverse impact as a result of the proposed work. The motion came to a vote and did not pass with two in favor, four opposed and one abstention. The Commission directed Mr. Lagemann to contact Chuck H. at least a day before the statue is replaced so he can supervise the project. Mr. Lagemann agreed.

ADMINISTRATION:

The December 21, 2016 meeting minutes were reviewed and approved as presented with four votes in favor and four abstentions (Commissioners Eisner, Malkin, Murphy and Maloney).

The following Documents were signed:

Certificate of Compliance Amended SE 12 – 704; North Star; AP 33-55.

Certificate of Compliance SE 12 – 737; North Star; AP 33-55.

Certificate of Compliance Amended SE 12 – 099; Lang; AP 21-38.

Certificate of Compliance SE 12 – 705; Kegan; AP 33-15.

With no further business to discuss the meeting adjourned at 3:30 PM.

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