

## Conservation Commission Minutes 07/18/18

FINAL

Present for the Conservation Commission and attending the meeting were: Joan Malkin, Chairman, Bob Hungerford, Vice Chairman, Candy Shweder, Sandy Broyard (arrived at 12:55 PM), Pam Goff, Russell Maloney (left at 12:56 PM), Chris Murphy, Maureen Eisner and Chuck Hodgkinson. Reid Silva, Chris Alley, Michael Barclay, Gary Maynard, Jake Davis, Gary Fagin and Josh Scott also attended.

The meeting came to order at 12:30 PM. Ms. Malkin appointed Alternate Commissioner Maloney as a voting member.

**PUBLIC HEARING NOISE 12 – 818; CHRIS ALLEY FOR MARJORIE SCHEUER; 7, 14 Herring Run; AP 34-4.1, 4.3:** Ms. Malkin opened the public hearing at 12:31 PM. Mr. Alley reviewed a revised site plan dated 6/15/18 to install two new water wells and two FAST De-Nitrifying Septic systems. One well is 40 feet from the top of the Coastal Bank to Menemsha Pond and 45 feet from a wetland draining into the Menemsha Pond. The septic system leaching fields are 50 feet from a large wetland draining into Menemsha Pond and 80 feet from the top of the Coastal Bank of Menemsha Pond. He explained the Board of Health required two separate leaching fields as one will serve the house on a separate lot that is planned for subdivision. The other of the two wells is outside the buffer zone. Both de-nitrifying systems are within the wetland buffer zone. All trenching is within the buffer zone.

The Commission discussed the site visit observations and the proximity of the well and septic systems from Menemsha Pond and asked if an alternatives analysis was performed that might relocate the elements farther from the wetland and pond. After much discussion Mr. Alley requested the hearing be continued to August 1 @ 12:30 PM to provide time to evaluate alternatives and discuss them with his clients. A motion was made to accept the request. The motion was seconded and passed unanimously with seven in favor.

**PUBLIC HEARING NOISE 12 – 817; CHRIS ALLEY FOR JARED STAMELL; 146 Quenames Road; AP 23-7:**

Ms. Malkin opened the public hearing at 12:52 PM. Mr. Alley explained the historic house was struck by lightning last year and the owner would like to renovate the house, bring it up to building code specifications and build an addition with associated site work on a 60-acre parcel of land. A screened porch, several additions and a deck will be added to the main house. The existing bunk house will be relocated. There will be approximately 1,650 sq. ft. of ground disturbance within land subject to coastal storm flowage (100-year flood plain). The Commission commented on the site visit and pointed out the house is over 1,000 feet from the ocean with a low probability of flooding the house location. With no public comment a motion was made to close the hearing at 12:56 PM. The motion was seconded and unanimously approved. A subsequent motion was made to approve the plan as presented with the local bylaw condition that there shall be no underground storage of fuel oil on the property. The motion was seconded and passed unanimously with seven in favor.

Ms. Broyard arrived and Mr. Maloney stepped down from the Board.

**PUBLIC HEARING NOISE 12 – 816; CHRIS ALLEY FOR POND HOUSE REALTY TRUST; 18 Thumb Cove; AP 24-**

**36:** Ms. Malkin opened the public hearing at 12:58 PM. Mr. Maloney recused himself as he is an abutter that uses the parking area located in the buffer zone and where the crane will be stationed to lift the house. Mr. Alley reviewed a revised site plan dated 7/18/18 to raise the existing house on the shore of Chilmark Pond 1.2 feet higher to increase the first floor elevation to 9.8 feet above mean high tide. Approximately 25 sq. ft. of Bordering Land Subject to Flooding and swamp wetland will be disturbed for stairway extensions. He then presented a narrative dated 7/18/18 prepared by Holmes Hole Builders outlining the methods and materials for the work.

Mr. Murphy discussed how town zoning will not allow the house to be raised to the 100-year flood height of elevation 11 because the roof ridge would then be higher than the maximum allowed in the Coastal District of 18 feet above mean, natural grade. Ms. Goff commented that the house shouldn't be in the swamp wetland and land subject to flooding resources and alternatively suggested relocating it out of the resource areas. The extensive renovation of several years ago was discussed and how it disturbed the resource.

Mr. Maloney asked if approved, could the construction start after October 15 as many people will be using the parking area. Mr. Maynard agreed. With no further public discussion a motion was made to close the hearing at 1:14 PM. The motion was seconded and unanimously approved. A second motion was made to approve the plan as presented with the following special conditions: 1. The narrative shall be followed and any temporary damage to the resource or buffer zone caused by construction or equipment

entering the site shall be restored. 2. The HVAC units shall be relocated from the ground location and out of the swamp wetland and consolidated into the house. 3. As offered by the applicant no staging or construction shall commence until October 15. The motion was seconded and approved with six in favor and one abstention (Ms. Eisner).

**PUBLIC HEARING NOI SE 12 – 820; REID SILVA FOR ROBERT ALDEN (THE STONEWALL REALTY TRUST II); 138 State Road; AP 33-16:** Ms. Malkin opened the public hearing at 1:15 PM. Mr. Silva reviewed the plan to install and maintain an upgraded septic system with a Presby Enviro-Septic Leaching Bed for the existing two bedroom house. The 1,000 gallon pump chamber is within the 100-year flood zone, 47 feet from mean high water of Chilmark Pond and 40 feet from the top of the Coastal Bank. The leaching bed is 164 feet from mean high water and approximately 30 feet within the 100-year flood buffer zone. He pointed out the equipment access route to the site and where the siltation barrier would be located during excavation. The Commission asked how long it would take to dig and install the pump chamber. Mr. Silva said it probably could be completed and backfilled within one day.

With no public comment a motion was made to close the hearing at 1:25 PM. The motion was seconded and unanimously approved. A second motion was made to approve the plan as presented with the following conditions: 1. The site access will be as shown on the site plan. 2. The siltation barrier shall be installed and approved by the Conservation Agent before work begins. 3. The pump chamber installation is likely a one-day job. Excess excavation spoils shall be removed from the site on the day of excavation. The motion was seconded and with no discussion passed unanimously with seven in favor.

**PUBLIC HEARING NOI SE 12 – 819; REID SILVA FOR ERIC W. RAICHLE; 15 Hewing Field; AP 12-64:** Ms. Malkin opened the public hearing at 1:30 PM. Mr. Silva reviewed the plan to perpetually open and maintain a Northwest view and increase sunlight to the house by pruning and removing trees and invasive plants. The understory will not be removed and the tree stumps will be ground in place. The work will be done by hand and the cut limbs dragged away with chains. No equipment will travel through the understory. The work is within the Riverfront Area of the Tiasquam River. Approximately 2,300 sq. ft. of alteration is within the first 100-foot section of the Riverfront Area and 9,900 sq. ft. is between 100 and 200 foot section of the Riverfront Area. After brief discussion of the site visit observations the Commission discussed the details with Mr. Scott who will perform the work. With no public comment a motion was made to close the hearing at 1:37 PM. The motion was seconded and unanimously approved. A subsequent motion was made to approve the plan as presented with the following on-going condition: 1. On-going maintenance is allowed provided the maintenance plans are approved by the Commission or its designee before work begins. The motion was seconded and passed unanimously with seven in favor.

**PUBLIC HEARING NOI SE 12 – 821; REID SILVA FOR BRICKYARD FIELDS, LLC; Brickyard Road; AP 9-2, 3:** Ms. Malkin opened the public hearing at 1:39 PM. Mr. Silva explained the owner would like to remove a dilapidated shed and foundation partly located within a Bordering Vegetated Wetland. It will not be replaced. The staging area will be in the existing field and approximately 20 feet from the wetland edge near the shed. Approximately 165 sq. ft. of the Wetland resource will be temporarily altered. After discussing the methods to be used and with no public comment a motion was made to close the hearing at 1:42 PM. The motion was seconded and unanimously approved. A motion was then made to approve the plan as presented with the following special conditions: 1. An excavator located outside the wetland shall remove as much material and foundation as possible. 2. The remainder of the debris shall be removed by hand. 3. All debris shall be stored in a covered dumpster or removed from the site daily. The motion was seconded. The Board discussed how this is an improvement to the resource area. The motion came to a vote and passed unanimously with seven in favor.

**CERTIFICATE OF COMPLIANCE SE 12 – 690; ZACH WIESNER; Boston Hill Road; AP 30-76.1:** Chuck H. explained an Order was issued in May 2013 to construct a driveway and install a well with related trenching on an undeveloped lot. He presented photographs of the finished work and said the property is being sold. He recommended the project is in complete compliance with the Order. A motion was made to accept the recommendation and issue the Certificate. The motion was seconded and unanimously approved with seven in favor.

**CERTIFICATE OF COMPLIANCE SE 12 – 656; MAE J. BALABAN et al; 35 Menemsha Crossroad; AP 26-137, 138:** Chuck H. explained this is the property the Selectmen were considering for a new Tri-Town Ambulance garage and facility. The plan was aborted. He added an Order was issued in July 2012 to install a drip dispersal septic system as the majority of the property is a wetland. He presented photographs of the septic location and pointed out it is protected by several large rocks. Chuck H. said the property is being sold and recommended the project is in complete compliance with the Order. A motion was made to accept the recommendation and issue the Certificate. The motion was seconded and passed unanimously with seven in favor.

**CERTIFICATE OF COMPLIANCE SE 12 – 174; DAN AND MAE BALABAN; 35 Menemsha Crossroad; AP 26-138:** Chuck H. explained an Order was issued in 1992 to build an addition. A Certificate of Compliance was issued in 1995 and never recorded at the Registry and the property is being sold. He recommended issuing another Certificate in complete compliance with the Order. Ms. Malkin asked if we had proof the addition was built as permitted. Chuck H. said the file is very thin with minimal information. After discussion a motion was made to issue the Certificate as recommended. The motion was seconded and passed with six in favor and one abstention (Ms. Malkin).

**CERTIFICATE OF COMPLIANCE BRIAN GILES; SE 12 – 332; 85 Tea Lane; AP 7-88:** Chuck H. explained an Order was issued in 1998 to replace a failed septic system with an upgraded system located farther (70 feet) from the wetland than the original. He said the property is being sold and recommended the project is in complete compliance. Ms. Malkin asked for proof the septic system was installed. Chuck H. said there is no way to visually identify the septic as it was installed 20 years ago. He offered to see if the Board of Health files have any additional information. It was determined that would not be necessary. After much discussion a motion was made to accept the recommendation and issue the Certificate. The motion was seconded and passed unanimously with seven in favor.

**ADMINISTRATION:**

The draft June 6, 2018 meeting minutes were reviewed and approved as presented by consensus. The draft June 20, 2018 meeting minutes were also reviewed and approved as presented by consensus.

Signatures:

Order of Conditions SE 12 – 817; Stamell; AP 23-7.  
Order of Conditions SE 12 – 816; Pond House Rlty. Tr.; AP 24-36.  
Order of Conditions SE 12 – 820; Alden; AP 33-16.  
Order of Conditions SE 12 – 819; Raichle; AP 12-64.  
Order of Conditions SE 12 – 821; Brickyard Fields, LLC; AP 9-2, 3.  
Certificate of Compliance SE 12 – 690; Wiesner; AP 30-76.1.  
Certificate of Compliance SE 12 – 656; Balaban; AP 26-137, 138.  
Certificate of Compliance SE 12 – 174; Balaban; AP 26-138.  
Certificate of Compliance SE 12 – 332; Giles; AP 7-88.

The next meeting will be Wednesday, August 1, 2018 @ 12:30 PM.

With no further business to discuss the meeting adjourned at 2:15 PM.

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