

Conservation Commission Minutes 08/15/18

FINAL

Present for the Conservation Commission and attending the meeting were: Joan Malkin, Chairman, Candy Shweder, Sandy Broyard, Pam Goff, Maureen Eisner and Chuck Hodgkinson. Chris Alley, Reid Silva, Peter Rose, Robert Soros, Matthew Snyder, Caleb Nicholson, Wally Epstein, Elise Elliston, Patrick Ahearn, Jon Huddleson, Ahuva Grossman and George Brush also attended. Chris Murphy, Bob Hungerford and Russell Maloney did not attend.

The meeting came to order at 12:31 PM.

RFD CHRIS ALLEY FOR MARJORIE SCHEUER; 7.5 Herring Run; AP 33-4.1, 4.2: Mr. Alley explained a walking trail was permitted (2016 Amended Order SE 12 – 749). The path was installed and the owner would like to relocate approximately 140 feet of the existing walking path with 280 feet located within the 100-foot buffer zone of a Bordering Vegetated Wetland draining into a Coastal pond to a location with 459 feet within the buffer zone. The closest portion of the relocated section is 64 feet from the wetland edge. The abandoned 280 of path will be allowed to grow over naturally. After brief discussion a motion was made for a negative determination for the site plan dated 7/22/18 provided the conditions outlined in the Amended Order remain in place: 1. The path along the top of the bank from the new stairs and running east to the property line shall no longer be cut or mowed so it can revert back to its natural state. 2. Any future maintenance plans for the stairs shall be reviewed with the Conservation Agent before work begins. 3. Any petroleum-powered equipment shall be refueled outside the resource area and 100-foot buffer zone. 4. To allow future maintenance of the stairs all conditions of this Order must be met at all times. The motion was seconded and passed unanimously with five in favor.

PUBLIC MEETING RFD CHRIS ALLEY FOR BOB VILA AND DIANNA BARRETT; 183 State Rd.; AP 33-115: Mr. Alley reviewed a revised site plan dated 8/15/18 to build a 236 sq. ft. addition to the kitchen within the 100-foot buffer zone of the top of the Menemsha Pond Coastal Bank. The addition will be supported on sonotube piers. The closest portion of the addition is 60 feet from the top of the bank. He added the deck will not be expanded as originally thought and all work will be done by hand because there is limited access space. After much discussion about the site visit observations and the methods and equipment to be used, a motion was made for a negative determination with the following special conditions:

- The revised site plan dated 8/15/18 is approved for a negative determination.
- An on-site conference shall take place among the contractor(s) and the Conservation Agent (CA) to review these conditions before any work begins.
- The deck will not be expanded.
- All work shall be done by hand.
- A 3-5 foot area beyond the deck may be cleared as needed for access and allowed to naturally re-vegetate to its current state.
- A tarp shall be placed on the ground and a construction fence installed along the limit of work to contain debris from falling down the bank.~ The tarp and fencing shall be approved by the CA before construction begins.
- All debris shall be carried out of the site by hand on a daily basis and removed from the site.
- The staging area shall be located outside the resource area and buffer zone.

The motion was seconded and with no further discussion passed unanimously with five in favor.

PUBLIC HEARING NOI SE 12 - 823; REID SILVA FOR S. FAIN HACKNEY, TRUSTEE FOR 21 EAST LANE REALTY TRUST; 21 East Lane; AP 32-67: Ms. Malkin opened the public hearing at 12:54 PM. Mr. Silva reviewed a site plan dated July 30, 2018 to tear down the existing single-family residence and retaining walls. A portion of the house is 61 feet from the edge of a Swamp Wetland. The retaining walls are 35 feet from the wetland and will be removed. A new dwelling is proposed in a location the closest portion of which is 61 ft. from the wetland edge. The excavation will be approximately 51 feet from the wetland edge. The current house has a basement foundation and a basement foundation is proposed for the new house. The existing garage will remain, renovated and repurposed for use as a detached bedroom or caretaker's quarters.

Mr. Silva pointed out how the planned footprint in the buffer zone is smaller than the existing structures. The existing parking area and a portion of the lawn in the buffer will be restored with native vegetation. The majority of the new lawn area will be outside

the buffer zone.

The Commission asked if there are alternatives to build the entire new house outside of its jurisdiction. Messrs. Silva and Soros said alternatives were considered and rejected to primarily preserve the view sheds for the abutting neighbors. Mr. Rose said the new house is designed to have a more subtle visual impact than the current structure. Neighbor Mr. Huddleson said speaking for his aunt this proposal is a massive improvement over the existing house and has no problem with the plan. Mr. Brush, attorney for abutter Lenny Bell asked the Commission to consider placing a restriction on exterior construction noise between July 15 and September 15. He added his client and the owner have been discussing this as well. The Commission explained that mitigating construction noise and timing is beyond its jurisdiction and recommended continued handling of this request among neighbors. Mr. Soros agreed.

With no further public comment a motion was made to close the hearing at 1:25 PM. The motion was seconded and unanimously approved. After Board discussion on the details and site visit observations a motion was made to approve the plan as presented with the following special conditions:

- The site plan dated 7/30/18 is approved as presented because a number of improvements to the buffer zone offset the continued presence of a structure 61 feet from the Shrub Wetland's edge. The Shrub Wetland has no connection to any water body.
- The renovation plan for the garage shall be provided before any work begins. There shall be no ground excavation for the garage renovation.
- A revised site plan showing the limit of work, erosion containment fencing and fiber log locations, staging area shall be provided before any work begins.
- A landscape plan shall be provided before work begins.
- There shall be an on-site conference among the contractor(s) and Conservation Agent (CA) to review this Order before any work begins.
- Erosion controls measures shall be installed and approved by the CA before work begins. The erosion controls shall be maintained in good condition and left in place until the re-vegetation is established.
- The staging area shall be located in the new parking area as shown on the site plan.
- A covered dumpster shall be located in the staging area, outside the resource area and buffer zone to contain all construction debris.
- The excess excavation spoils shall be removed from the site.

The motion was seconded and with no further discussion passed unanimously with five in favor.

PUBLIC HEARING NOI SE 12 - 824; REID SILVA FOR THE BRICKYARD BEACH ASSOCIATION; 5 Trustees Rd.;

AP 14-22.4: Ms. Malkin opened the public hearing at 1:35 PM. Mr. Silva summarized the site plan dated 7/30/18 and resource impacts to replace the failing underground electric and communications service lines. Approximately 550 feet of trenching is within the 100-foot buffer zone of a Shrub land Swamp. The trenching is also within the existing grassy pathway and between 25 and 50 feet from the wetland edge. Approximately 100 feet of the new lines will use directional boring underneath the wetland. The work is proposed for the property owned by The Trustees of Reservations and a letter of consent from The Trustees for this plan was read for the record.

Ms. Elliston representing the Beach Association said she prefers trenching through the wetland rather than directional boring to reduce the cost. She added her desire to cut a 20-foot wide path along the entire electric easement on the Trustees land. The Commission said it prefers directional boring through wetland resources which has very little impact on the surface of the wet resource and the 20-foot wide mowed path is beyond the scope of work as described in the Notice of Intent. It also asked if The Trustees have approved a mowed, 20-foot wide path? Ms. Elliston said she has not discussed the mowing with The Trustees.

After much discussion the Commission suggested requesting a continuance to the September 5th meeting @ 12:30 PM to provide time to discuss the mowing with The Trustees and time for a Commission site visit at 11:45 AM on September 5. Mr. Silva and Ms. Elliston agreed and requested the continuance. A subsequent motion was made and seconded to accept the request for a continuance. The motion passed unanimously with five in favor.

DISCUSSION SE 12 – 763; REID SILVA FOR LIVINGSTON TAYLOR; 21 Eliot Ave.; AP 33-26, 27, 28: Mr. Silva explained an Order was issued in March 2016 to jack up and install a basement foundation under Trudy Taylor's house. He added the property was purchased by Livingston who would like to know if the footprint can be increased about 100 sq. ft. as shown on the revised site plan dated 8/13/18 and performed within the scope of work for this Order of Conditions. The Commission discussed the facts that the proposed location for the 100 sq. ft. addition is in the disturbed area for the new foundation and surrounded by the "U" shape of the house. A motion was made to declare the change as inconsequential to the

original scope of work as conditioned. The motion was seconded and unanimously approved. A second motion was made to approve the proposed addition as shown on the site plan dated 8/13/18. The motion was seconded and unanimously approved with five in favor.

ADMINISTRATION:

The draft August 1, 2018 meeting minutes were reviewed and approved as presented by consensus.

Signatures:

Determination of Applicability Scheuer; AP 33-4.1, 4.2.

Determination of Applicability Vila; AP 33-115.

Order of Conditions SE 12 – 823; Hackney; AP 32-67.

The next meeting will be Wednesday, September 5, 2018 @ 12:30 PM.

With no further business to discuss the meeting adjourned at 2:25 PM.

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