

## Conservation Commission Minutes 10/04/17

FINAL

Present for the Conservation Commission and attending the meeting were: Candy Shweder, Chairman, Sandy Broyard, Pam Goff, Bob Hungerford, Russell Maloney and Chuck Hodgkinson. Reid Silva, Joan Hughes, Barbara Lampson and Zach Wiesner also attended. Joan Malkin, Maureen Eisner and Chris Murphy did not attend.

The meeting came to order at 12:32 PM. Ms. Shweder appointed Alternate Commissioner Russell Maloney as a voting member for the day's agenda.

**NOI SE 12 - 796; JOAN HUGHES FOR MARGARET WAITZKIN; 6 Ocean View Farm Rd.; AP 25-113:** Ms. Shweder opened the public hearing at 12:34 PM. Ms. Hughes reviewed the site plan dated 9/6/17 to upgrade the 3-bedroom septic system in a location that is 73 feet from a Bordering Vegetated Wetland. Additionally, the owners would like to expand the house footprint for additional living space. The expansion will have a slab-on-grade foundation. Approximately 368 sq. ft. of the expanded footprint is within the 100-foot buffer zone of an isolated wetland. The closest activity is 58 feet from the wetland edge. A buried oil tank will also be removed from underneath the house. The Commission discussed the site visit observations and pointed out all of the work is tightly contained and on already disturbed land with a lawn. With no public comment a motion was made and seconded to close the hearing at 12:45 PM. The motion passed unanimously. A subsequent motion was made to approve the plan as presented with the following special conditions: 1. Silt fencing shall be installed and approved by the Conservation Agent (CA) before work begins as follows: downgrade of the septic location and on the edge of the filled area opposite the bedroom expansion. 2. All debris shall be stored in a covered dumpster located in the driveway. 3. The construction staging area shall be located in the driveway. The motion was seconded and passed unanimously with five in favor.

**NOI SE 12 - 798; REID SILVA FOR WARREN SPECTOR; 96 Squibnocket Farm Rd.; AP 37-4:** Ms. Shweder opened the public hearing at 12:47 PM. Mr. Silva summarized the resource areas and revised site plan dated 10/3/17 to construct a retaining wall, fence and install landscaping within the buffer zone of a Bordering Vegetated Wetland. The closest activity is 70 feet from the wetland edge. The Commission agreed the pool is well-sited given the topography of the property. With no public comment a motion was made to close the hearing at 12:52 PM. The motion was seconded and unanimously approved. A second motion was made to approve the plan as presented with the condition that construction fencing shall be installed along the edge of the cleared area to the west of the construction site. The motion was seconded and with no further discussion passed unanimously with five in favor.

**NOI SE 12 - 799; REID SILVA FOR GREAT ROCK BIGHT LTD. PARTNERSHIP; off Brickyard Rd.; AP 9-2.7:** Ms. Shweder opened the public hearing at 12:55 PM. Mr. Silva reviewed the site plan dated 9/18/17 to install a domestic water well and a below-ground water line in the buffer zone of a Bordering Vegetated Wetland. The well is approximately 21 feet from the wetland edge. Directional boring will be used for the water line within 50 feet of the wetland and place the water line 12 feet below grade. The remainder of the water line trench will be dug with an excavator and one-foot bucket. The Commission asked if the directional boring could start away from the well and work toward its location. Mr. Silva agreed it could. With no public comment a motion was made to close the hearing at 1:04 PM. The motion was seconded and unanimously approved. A subsequent motion was made to approve the plan as presented with the following special conditions: 1. If feasible, the directional boring shall commence 50 feet from the well location and bored to the well. 2. Silt fencing and hay bales shall be installed downgrade of the well and between the well and Brickyard Road to contain the well cuttings. The silt fencing and hay bales shall be approved by the Conservation Agent before work begins. The motion was seconded and passed unanimously with five in favor.

**NOI SE 12 - 797; REID SILVA FOR TWO SISTERS REALTY TRUST; 35 Harlock Pond Rd.; AP 1-12:** Ms. Shweder opened the public hearing at 1:13 PM. Mr. Silva reviewed the plan dated 9/18/17 to construct a driveway, install a water well, buried waterline and utilities within the buffer zone of a Bordering Vegetated Wetland and within the Riverfront Area. The closest activity is approximately one foot from the wetland edge. There will be 130 sq. ft. of disturbance for the lines and 340 sq. ft. of temporary disturbance within the first 100 feet of the Riverfront Area. There will be 10 sq. ft. of disturbance for the lines and 1,470 sq. ft. of temporary disturbance within the second 100 feet of the Riverfront Area. The entire project including the proposed house and garage are within NHESP jurisdiction. He added the location for the buried utilities line has not yet been confirmed but, indicated where it will most likely be located. The Commission thought the location would be acceptable. With no public comment a motion was made to close the hearing at 1:28 PM. The motion was seconded and unanimously approved. A second motion was made to approve the plan with the following conditions: 1. The applicant shall return to the Commission to review a revised site plan showing the final location for the utilities trenching. 2. An on-site conference shall take place among the applicant, contractor and Conservation Agent to agree upon the final locations for siltation barriers with construction fencing before work begins. 3. Hay bales and silt fencing shall be installed between the well location and the downgrade wetland and approved by the Conservation Agent before work begins. The motion was seconded and with no additional discussion passed unanimously with five in favor.

**CERTIFICATE OF COMPLIANCE SE 12 – 769; Tony Orphanos and Wendy Jeffers; 14 Squibnocket Rd.; AP 35-17.1:**

Chuck H. explained an Order was issued in May 2016 to construct a screening berm along Squibnocket Road and recommended the project is in full compliance. A motion was made to accept the recommendation and issue the Certificate. The motion was seconded and unanimously approved with five in favor.

**DISCUSSION BARBARA LAMPSON FOR LINDA GREENBERG ENFORCEMENT ORDER; 12 Larsen Lane North Fork, AP 27.1-217:**

Chuck H. summarized that at the last meeting the Commission reviewing photos of the site with the fill removed and it was evident three trees--one of which was substantial--were removed when the neighbor's land was cleared in the stream buffer zone. The Commission asked for a recommendation to replace the trees in their existing locations. Ms. Lampson distributed a suggested tree list and a site plan hand-dated 10/4/17 showing the approximate locations. After discussion the Commission agreed three American Beech trees (*fagus grandiflora*) should be planted with an approximate trunk diameter of 2.5 inches. Ms. Lampson added they would be approximately 7 feet high. A motion was made to approve the planting of three Beech trees as shown and described. The motion was seconded and unanimously approved with five in favor.

**DISCUSSION AMENDED SE 12 – 481; Doctor's Creek:** Chuck H. explained in 2005 an Order was issued to Jane Wilkie representing the Chilmark Pond Association allowing the use of Glyphosate (Rodeo) to manage Phragmites infestation in Doctor's Creek. The Order was amended in 2007 to expand the limit of work east of Doctor's Creek. He reviewed the special conditions that have not been met -- #20: Perpetual, on-going maintenance of the Phragmites control program may continue beyond the three year term limit of this Amended Order provided the Conservation Officer and Commission are contacted to review the plan before performing the work. Also, the subsequent Conditions voted 4/20/05 as directed by the NHESP have not been satisfied: 2. The Chilmark Pond Association is to perform, and report upon, a post treatment botanical survey during the flowering/fruiting season of Saltpond Pennywort (*Hydrocotyle verticillata*) to verify the vitality and species level identification of the various occurrences. Chuck H. added we have not received any reports.

After much discussion the Commission agreed the conditions of the Order have not been satisfied. A motion was made to issue an order to immediately cease and desist all work and to rescind the Amended Order of Conditions due to non-compliance. The motion was seconded and unanimously approved with five in favor.

**ADMINISTRATION:**

The draft September 6, 2017 meeting minutes were reviewed and approved as presented by consensus.

**Signatures:**

Order of Conditions Waitzkin; SE 12 - 796; AP 25-113.  
Order of Conditions Spector; SE 12 - 798; AP 37-4.  
Order of Conditions Great Rock Bight; SE 12 - 799; AP 9-2.7.  
Order of Conditions Two Sisters Rlty. Tr.; SE 12 - 797; AP 1-12.  
Certificate of Compliance Orphanos; SE 12 – 769; AP 35-17.1.

The next meeting will be Wednesday, October 18 @ 12:30 PM.

With no further business to discuss the meeting adjourned at 2:00 PM.

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