

Conservation Commission Minutes 05/15/19

FINAL

Present for the Conservation Commission and attending the meeting were: Joan Malkin, Chairman, Pam Goff, Chris Murphy, Candy Shweder, Sandy Broyard and Chuck Hodgkinson. Chris Alley and Doug Cooper also attended. Russell Maloney, Maureen Eisner and Bob Hungerford did not attend.

The meeting came to order at 1:00 PM upon returning from the site visit and being in a traffic jam caused by the spring road painting operation on State Road.

REQUEST FOR DETERMINATION OF APPLICABILITY; Chris Alley for Weston Howland III; 0 Signal Hill Lane; AP 34-1.5:

Mr. Alley explained the history of the six-lot subdivision that included significant tracks of common land and land that is under a Conservation Restriction held by the Sheriff's Meadow Foundation. He added The Trustees of Reservations has additional building restrictions for the six buildable lots. He then explained this request is for a determination that two isolated wetlands on this vacant parcel are subject only to the Town's Wetland Protection Bylaws and Regulations. It further requests confirmation that the isolated wetlands do not drain into Squibnocket Pond – a coastal great salt pond. He also said he would like a determination on installing a water well currently sited 50 feet from the northern-most isolated wetland (approximately 1,720 sq. ft.).

Mr Cooper summarized his narrative and soils testing that led him to conclude the wetlands are perched on clay substrate. They are more like small wet depressions as the hydric soils do not meet the criteria of a Bordering Vegetated Wetland as outlined in the Act. He concluded the wetlands do not drain into Squibnocket Pond. The Commission accepted his assessment. After brief discussion a motion was made for a positive determination (# 5 and # 6) to confirm the two isolated wetlands are only subject to the Town's Wetland Protection Bylaw regulations as outlined in Section 1.02 and that the wetlands do not drain into Squibnocket Pond. The motion was seconded and unanimously approved with five in favor. A second motion was made for a negative determination for the water well installation with the following conditions: 1. The preferred location for the well would be 10 feet from the lot line rather than 30 feet as shown on the plan. This would put the well approximately 70 feet from the northern-most isolated wetland. 2. If the Board of Health denies the new location the well location as shown 30 feet from the property line is allowed under this negative determination. 3. Siltation barriers shall be installed between the well site and the wetland to contain the well cuttings from its installation. The motion was seconded and passed with four in favor and one abstention (Mr. Murphy).

DISCUSS LABAREE ENFORCEMENT ORDER AP 21-36. The site visit to the Labaree property was discussed. A separate cleared area off the driveway that runs to the stream's edge was also observed. It was not known when this clearing was done as it appears on the google earth site plan. The Commission also discussed the possibility of imposing fines to the homeowner for the unpermitted clearing. Ms. Malkin offered to consult with the MACC for guidance. After further discussion Chuck H. was directed to send a follow up letter to Mr. Labaree mentioning the Commission is considering imposing fines for the unpermitted work plus the following follow up comments and requests:

- Who performed the recent unpermitted clearing and when was this work done?
- While visiting the site the Commission noticed an additional area of clearing down to the stream's bank. When was this clearing done and by whom? This cleared area is a wetland and/or buffer zone protected by the Wetland Protection Act and Town Bylaws.
- For clarification, the Enforcement Order requested that the Notice of Intent (NOI) include a plan to relocate your power line down Menemsha Inn Road and up your driveway. Please note that, while this work is not a part of the specified violations, we understand that the work will have to be done to relocate the power line off your neighbor's property. This work will require a Notice of Intent because of the road's proximity to wetlands and the stream. If you want to file a separate NOI for this work, feel free to do so. Otherwise, you may include both this work and the work to remedy the clearing violations in a single NOI.
- When we receive your Notice of Intent a public hearing will be scheduled for the next available Conservation Commission meeting – most likely in July. The Commission is requiring that you and the individuals who performed the unpermitted work attend the hearing.

FOLLOW UP TOWN HALL FIREHOUSE AND WETLAND DISCUSSION: Mr. Carroll asked for this follow up discussion but was not available to attend the meeting. Doug Cooper attended as he is the licensed wetland specialist who flagged the wetlands on the site. The straight line edge of the wetland as shown on the VLSE site plan dated 4/9/18 was clarified by Mr. Cooper. He said he normally performs soil borings about 40 feet from the previous confirmed wetland edge. In this case there is no structure to affix the wetland flags over the filled parking area which is why there were only two points plotted causing the straight line. He would have normally flagged the wetland edge with 4-5 flags. He added the edge of the parking lot is the edge of the wetland. He added the site was originally a much larger resource area before being filled. The Bordering Vegetated Wetland was bordering a woody swamp with a waterway running through it. The Commission thanked Mr. Cooper for the clarification and asked if he could have VLSE flag the actual edge and if he would also footnote the site plan with his observations of the resource areas. Mr. Cooper agreed and said his original fee covers this fine tuning.

ADMINISTRATION:

The draft May 1, 2019 meeting minutes were reviewed and approved as presented by consensus.

Signatures:

Determination of Applicability Howland; AP 34-1.5.

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

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