

Conservation Commission
Zoom Minutes June 1, 2021 9:00 AM Town Hall
FINAL

Present for the Conservation Commission and attending the zoom call were:

Chris Murphy, Chairman, Joan Malkin, Pam Goff, Sandy Broyard, Candy Shweder, Russell Maloney, and Kara Shemeth (staff).

Commissioner Bob Hungerford did not attend.

Note: Doug West will not participate in any aspect of the SMF matter, based on the Massachusetts Ethics Commission's determination of his conflict of interest as a member of the Old Farm Road Association.

Also in attendance: Kristen Geagan and Adam Moore (Sheriff's Meadow Foundation), Nick Nelson (Inter-Fluve), Nick Wildman (MA DER), Kerry Ryan Thomas Bena, Frank Dunkl, Rob Doyle, Joseph Rogers, Lynne Whiting (IGI), Joseph Gould (MA DER), Rebecca Haag (IGI), Prudy Burt, Craig Saund, Timothy Moriarty, Becky Brewer, PJ Kron, George Sourati, Kevin Goldstien, Nick Pouder, Ariel Ashe, Constance Mesmer, Keith Snedeker, Maia Coleman (Vineyard Gazette), Neil Price (Horsley- Witten), Noah Froh, Matt Poole (Chilmark BOH)

ZOOM Meeting ID: 942 9489 4415

Mr Murphy opened the hearing at 9:00.

Public Hearing – NOI SE12-873 – Gildea Beach Stairs – 53 Wequobsque

PJ Kron gave an overview of the construction methods used for installing the posts (sledge hammer, no machines) and gave details regarding the stairs, specifically that it is a 135' drop over 36' linear feet. Mr. Kron's comments addressed the comments made by the DEP when they issued the SE #.

Action: At 9:10 a motion was made to close the hearing, the motion was seconded and passed with all in favor via a roll call vote.

Action: A motion was made to approve the stairs with the following conditions:

- Stairway is to be for seasonal, residential use
- The lumber is to be marked so the owner can be identified if it washes out
- The Conservation Agent (CA) must approve the location of the stairs each year
- Prior to installation in the spring and removal in the fall, the CA shall be notified in writing and plans approved by CA
- There shall be an on-site meeting between the CA and the installer each spring
- The bottom sections must be removed by Nov 15 each year
- The order shall allow for perpetual maintenance and will be good for 5 years, after which it will be reviewed

The motion was seconded and passed with all in favor via a roll call vote.

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Public Hearing – NOI SE12-872 – Leff – Pool/Deck/ Landscaping – 1 Azalea Lane

The hearing was opened at 9:15 am.

Nick Pouder (Pouder Design Group), Kevin Goldstein, and George Sourati (Sourati Engineering Group) presented the plans for the work to the deck, pool area (part 1) and landscaping (part 2). The pool pre-dates modern building codes and the proposal is to add the necessary fencing to the deck to meet current building codes. It was determined that this part of the project is on an existing structure and the Commission had no issue with it.

The landscaping plan proposes planting in a portion of the wetlands (15 sq ft) and within the buffer zone. It should be noted that the entire site is historically wet. There was discussion about the planting locations and overall plan.

Action: At 9:43 a motion was made to close the hearing, the motion was seconded and passed with all in favor via a roll call vote.

Action: A motion was made to approve the project with the following conditions:

- NO Planting is permitted in the wetlands
- There is to be no disturbance of the wetlands from nearby planting installations
- Conservation Agent must have the opportunity to be on site for planting installation
- No fertilizer is to be used
- In the square area (approx. 25'x25') along the south east side of the existing garage, no plants are to be removed excepting the Ink Berry. At this time, the Ink Berry may be replaced with Blueberry as proposed at this hearing.

The motion was seconded and passed with all in favor via a roll call vote.

Continued Public Hearing – NOI SE12-871

Applicant: Sheriff's Meadow Foundation

Address: 148 North Road (Project taking place near northern terminus of Old Farm Road); AP 3-4

Project: Proposed culvert replacement project at the headwaters of the Mill Brook, located on the Roth Woodlands.

The hearing was opened at 9:52 am.

Adam Moore recapped the project.

Mr. Dunkl and Mr. Bena voiced their concerns over the project and the potential impacts to their, and surrounding, wells.

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There was discussion of the Public Water Supply (PWS). Mr. Moore explained that the PWS is in Zone 2 and these restoration projects are expressly allowed by the DEP in Zone 2.

Prudy Burt spoke of the success of a similar project in West Tisbury and the resulting benefits to the ecology of the area.

Kerry Ryan spoke to the culvert being “in good shape” and reiterated concern over the PWS and the assumed locations of wells on the Inter Fluve plan.

ACTION: (11:34 am) A motion was made to close the hearing
The motion was seconded and passed with all in favor via a roll call vote.

ACTION: (11:35 am) A motion was made to approve the project as presented with the following conditions:

- The work must not begin until the Applicant has fully satisfied the concerns raised, if any, by the DEP in its final response to potential issues raised in a letter dated March 31, 2016 from Jonathan E. Hobill, Regional Engineer of the DEP Southeast Regional Office Bureau of Water Resources regarding the Public Water Supply on Assessor’s Map 3 Parcel 14.
- The applicant will provide a copy of the Bond agreement for potential well damage caused by the project to neighboring wells to the Conservation Commission
- The project will adhere to any TOY restrictions as defined by NHESP/ DEP

The motion was seconded and passed with four in favor and two opposed.

In favor:

Sandy Broyard
Pam Goff
Russell Maloney
Candy Shweder

Opposed:
Chris Murphy
Joan Malkin

ACTION: A motion to accept the minutes from May 16, 2021 as presented was made.

The motion was seconded and passed with all in favor via a roll call vote.

Discussion:

The next zoom meeting will be Tuesday 6/15/21 at 9:00 am with a site visit to 72 Cobb’s Hill, 29 Young’s Way, and 32 Abel’s Neck on Monday 6/14/21.

With no further business to discuss the meeting was adjourned.

Respectfully submitted by Kara E. Shemeth, Board Administrator