

## Minutes of a Conservation Commission Meeting – 8 November 2017

Members present: Peter Vincent – Chairman, Christina Brown, Stuart Lollis, Geoffrey Kontje, Robert Avakian, Jeff Carlson, Lil Province

Staff: Jane Varkonda, Lisa Morrison

### PUBLIC HEARINGS:

**Weiss** NOI to grade and landscape to create a walk-out basement and patio area, Snow's Point. Cammie Naylor of Donaroma's was present for the applicant. The project involves excavating in an existing lawn area to create a basement access. Retaining walls will be installed and will be highest underneath an existing deck – about 4 to 5 feet. The walls will then taper down to grade. The work area is approximately 80-feet away from the salt marsh. Excavated soils will be trucked off site. The slope between the work area and the marsh is not steep, but to be on the safe side siltation fencing will be installed between the excavation and the marsh. The patio will be bluestone set in stone dust. Avakian made a motion to approve the project as presented. Applicant is to supply an amended site plan that shows the changes in grade. Kontje seconded the motion. Unanimously approved.

**Wacks** NOI to plant beach grass and install sand bags to stabilize a coastal bank. Jim Greer was present for the applicant. Mr. Greer reminded the board that they had issued two emergency certifications for this property several years ago. He said the previous efforts were successful enough to prevent significant loss from erosion. However, Mr. Wacks' well is now just 13-feet from the edge of the bank. The house is about 19.5-feet from the bank.

Portions of the bank are devoid of vegetation. The elevation of the bank tapers from 12-feet down to about 4-feet bank. About 110-feet of bank is critical, the remaining 50-feet less so.

Mr. Greer noted that the rate of erosion of is highly variable, but the steeper the bank the more erosion. The breach is currently closed, which helps stabilize the region. Mr. Greer said that there is no plan to remove the house at this time.

Kontje commented that he was contracted to do the demo several years back. He noted that the bank stabilized at 20-feet, and appears to have eroded less than a foot in 3 to 4 years.

Mr. Greer said that the intent is to use a row or two of sand bags as a base to plant plugs of beach grass and then cover the bags with biodegradable netting. He said it is a 'soft solution.' The ideal planting time for beach grass is between now and March. Some fertilizing will be necessary initially.

Chris Kennedy of the Trustees said that he supports the project, but would like assurance that there will be a monitoring plan so that any material that appears on TTOR property would be cleaned up promptly. He asked if the applicant had considered materials designed to last for a longer period. Mr. Greer said that he has had problems sourcing longer lasting bags and netting. Mr. Kennedy said that he would like to be sure that the plant material used is beach grass and not nut sedge. He would also like to see the property boundaries delineated on site so that bags are not inadvertently placed on the Trustee's property.

Greer said he was surprised that material had made its way onto Trustees property. He said he thought that they had done a pretty good job of monitoring and cleaning up. He said that many of the bags are still visible and the ones that have come loose are removed regularly.

Vincent advised Mr. Greer to develop a monitoring plan. Province made a motion to continue the hearing to the next meeting, November 29<sup>th</sup>, and schedule a site visit. Avakian seconded the motion. Unanimously approved.

**Lynn.** Construction of a 14 x 24 foot wooden deck, Caleb's Pond. Richard Knight present for the applicant. The deck will be going over existing lawn adjacent to a very stable, very vegetated bluff. Deck will be on grade and minimal excavation will be required. Knight mentioned that there are similar constructions all along the shoreline. He noted that the deck on the Meyer property is just 8-feet away from the top of the bluff, which has not changed in his lifetime. This deck will be approximately 16-feet from the top of the bank. Avakian made a motion to

approve the project as presented. Province seconded the motion. Unanimously approved.

**Eckler** NOI to demolish an existing garage and construct a swimming pool, Quampache Lane. Peter Breese, architect, was present for the applicant. Work area is approximately 250-feet from the wetlands. Pool will have a salt water filtration system. Kontje made a motion to issue an order of conditions with the requirement that a dry well be added to the proposal and located on the plan. Province seconded the motion. Unanimously approved.

**Atlantic** Request for a determination to install pump and force main, Main Street. Richard Barbini present for the applicant. There have been problems with the sewer backing up into the basement. The solution involves installing a new pump and force main and connecting it to the manhole on Main Street. Work will be done in the alley between the Atlantic and the adjacent shops (away from the harbor) and in the patio seating area. Project has been approved by the sewer commission. Avakian made a motion to issue a negative determination. Lollis seconded the motion. Unanimously approved.

**Pearl** Local NOI to construct garage and additions, Jacob's Neck. Cliff Meehan and Mr. and Mrs. Pearl were present. This is a 17.2 acre lot formerly owned by Patinkin. Meehan explained that there is currently no garage or storage building on the property and the house does not have a cellar. The applicants would like to construct a 3-bay garage with two bays for vehicles and one for storage. All construction is outside of the state's jurisdiction. They would also like to construct a studio and bedroom addition to the main house. The addition would be 21- feet in height; the garage 17-feet.

The existing spa will be replaced. The agent asked about the goldfish pond. Meehan said that they ultimately plan to get rid of it, as well as an old shed by the driveway.

Province made a motion to approve the project as presented. Avakian seconded the motion. Conditions to include: no increase in lawn size, final landscape and

lighting plan to be submitted prior to completion of the project. Unanimously approved.

CONTINUATION:

**Holtz** Local NOI for the construction of dwelling, pool, and garage within 200-feet of vernal pools. Woody Mitchell of Squash Meadow present for the applicant. A site visit report was given. The house and garage have been positioned as far away as possible from the two vernal pools.

All trees that will be removed were flagged on site. Mitchell noted that 50% of the property will not be altered.

The property will be serviced by town water and town sewer. Mitchell said that the applicants still need to get approval from the Dark Woods Architectural Review Committee.

Abutter Michael Ditchfield was concerned about the use of fertilizers and herbicides. The assistant commented that the use of fertilizers, pesticides, and herbicides are subject to standard conditions imposed by both the Board of Health and the Commission.

Ditchfield asked where the pool will be drained. Mitchell replied that the pool will be drained into a dry well. He commented that neither the pool nor the garage will be built right away; however the applicants would like the permits in place. The pool will have a salt water filtration system.

One of the abutters asked if this was a spec house. Mitchell said he did not know.

Christina Miller commented that no one from the Dark Woods ARC has walked the property. She noted that the committee is very strict about exterior lights. She also noted that the application that was made to Natural Heritage did not include the second vernal pool, which is actually closer than the one on the original plan. The agent commented that when a site is reviewed by Natural Heritage they view the whole surrounding area, not just what is submitted on a plan.

Lynn Ditchfield asked if there were plans for irrigation and asked about what type of landscaping was planned for the lot. She was also concerned that it appeared that the pool was not part of the original application and therefore not reviewed by the state.

Carlson had some questions about grade changes for the driveway and one corner of the house. He noted that some over digging would likely be required in one section of the foundation. He thought the addition of a retaining wall would be a good solution. He asked for a more detailed landscaping plan and a plan to stabilize the area during construction and manage any changes in grade.

Brown asked that the proposed dry well be added to the plan as well.

Doug Cooper of Cooper Environmental commented that almost all low areas or vernal pools have been modified over the years to one degree or another. Some were used as ice ponds or for cattle. Many were the result of excavation for gravel or roadway fill. He said that pools with the kind of crisp embankments noted in these pools were not formed naturally, but as the result of human intervention and excavation to an impermeable layer. Even though both ponds were likely artificially modified, they still have intrinsic value to the ecology of the area.

Kontje agreed and noted that the pools do provide habitat that support populations of threatened species and are deserving of protection.

Province had some concerns about the landscaping and noted that the proposed contractors, Millers, have had some issues in the past. She thought that they should be required to contact the Commission's agent prior to doing any work on site.

Miller asked how large the proposed house would be. Bill Potter of Squash Meadow said that the footprint would be 60-feet by 28-feet with approximately 3000 sq. ft. of living space. She asked if there would be a well dug for irrigation. Mitchell said that no well was proposed and town water will be used for any irrigation.

Avakian made a motion to approve the proposal with the following conditions: submission of a new plan showing the relocated driveway, location of proposed dry well, changes in grade, and a preliminary landscape plan including the retaining wall. Landscape contractor to consult with Conservation Agent prior to any work on site. Province seconded the motion. Vincent, Lollis, Carlson, and Kontje all voted to approve the project with conditions. Brown abstained.

**Other Business:**

MAJORS COVE Agent will issue a cease and desist order to the association and the Friedlander violations will be referred town counsel.

KATAMA FARM Agent noted that one of the poles along the private road is in danger of toppling. Rob Young is working up an estimate. The cost will likely be split among the residents, the Trustees, and the town.

Chris Kennedy said the Trustees had asked him to vet a proposal to have the Boston Pops give a concert at the farm on July 14<sup>th</sup>. It would involve between 5000 to 7000 people and 3000 cars. The Commission said that they would not entertain such a proposal.

LIGHTHOUSE PARK Agent noted that she was preparing an article for town meeting to use CPC funds to upgrade the landscaping at the park.

SHELL PATH WALK WAY Richard Knight encouraged the Commission to protect the 10-foot right-of-way saying that it is an asset for the town. He said that he found the signs and landscaping on the Swartz property very unwelcoming. He thought the path should be improved. Vincent noted that part of the agreement when the easement was given was that the path would be maintained but not improved. Knight commented that he had heard that there had been some illegal landscaping done in the wetlands by the Swartzes, and wondered if that could be used as leverage to make the pathway more welcoming.

There being no further business, the meeting adjourned at 7:00 p.m.

Approved: \_\_\_\_\_