

## Minutes of a Conservation Commission Meeting – 8 August 2018

Members present: Peter Vincent – Chairman, Jeffrey Carlson, Stuart Lollis, Lil Province

Absent: Geoffrey Kontje, Bob Avakian, Christina Brown

Staff: Jane Varkonda, Lisa Morrison

**Farm Institute.** Eunice Youmans, Regional Manager of the Trustees was present to discuss expanding the permitted number of farm dinners. She said that so far they have had five, each with about 60 attendees, mostly families. They've had a lot of positive feedback and are making a small profit. The dinners are held between 5 p.m. and 7 p.m. and people do not all come at once, so the traffic impact is not as pronounced as it could be if everyone arrived at the same time. She thinks they could do up to 100 people. The food is provided by local food trucks, who give the FI a discounted rate.

Asked if the FI is planning to bring back any of the animals that were sent away when they lost their farm manager, Ms. Youmans said that they were not selling all the meat they produced and had a surplus of meat. She said that there are too many animals and not enough farmers. She noted that the fields have degraded and the soil has become compacted. She said they are working on restoring the fields' fertility.

She said the teaching kitchen is being redesigned by Chuck Sullivan and they should have final plans in the fall. She said the FI intends to focus on education, with the farm as the curriculum.

Lollis asked if they had considered including an equestrian operation. The agent noted that horses were kept at the farm in the past.

Ms. Youmans submitted a complete list of planned events August through December. Lollis made a motion to approve the proposed events. Carlson seconded the motion. Unanimously approved.

## PUBLIC HEARINGS:

**Dekker.** NOI for the construction of new dwelling, pool, barn, and related site activities – Cow Bay. [Former Ashmun property.] Doug Hoehn & Patrick Ahearn were present for the applicant. A letter of approval from the Cow Bay Corporation was received. The lot is four-acres, among the largest in Cow Bay. This project adheres to the customary 200-foot waterside setback. The project involves removing the existing dwelling and constructing a new dwelling in the same approximate location

Doug Hoehn indicated that there will be some changes in grade that will be shown on the landscape plan.

Patrick Ahearn commented that the design is more understated and barnlike than other dwellings in the area. It will be lower, with a maximum ridge height of 26-feet. The proposed square footage is approximately 4665 sq. ft., including the attached garage. The existing structure is approximately 2225 sq. ft. The siding will be allowed to weather to gray. There will be no change in the number of bedrooms. The existing septic system is in good working order.

Fred Condon, an abutter, suggested that the house be moved back approximately 50-feet and oriented more northerly.

Ed Cerullo, another abutter and president of the Cow Bay Corporation, read a letter approving the project and highlighting the fact that the project adheres to the Cow Bay convention of no building in the 200-foot water side setback. Mr. Cerullo spoke of the importance of this convention to all the homeowners of Cow Bay.

Condon was concerned that the house would be visible and commented that the 200-foot setback is a private agreement that is not legally enforceable. Cerullo accused Condon of being disingenuous, noting that he had argued forcefully for

the setback when Cerullo was building his house. He noted that all Cow Bay residents have observed the setback.

After some further discussion, Province made a motion to continue the hearing to the next meeting, 22 August, and schedule a site visit.

**McLaughlin/Morizio.** NOI for renovations and additions, 17 Boldwater (former Manning property). Doug Hoehn and Chuck Sullivan were present for the applicant. The project involves the construction of three small additions, away from the wetlands.

The applicant Ms. Morizio was present and said that she wanted white trim. The Commissioners said that white trim is not permitted in the Ponds District and explained that white trim makes a house more visible from the public view. Ms. Morizio insisted that there were many houses with white trim on the pond. Province made a motion to continue the hearing to the next meeting and schedule a site visit. Carlson seconded the motion. Unanimously approved.

**32 Ocean View.** NOI to renovate/reconstruct main house and construct a garage with detached bedroom above. Doug Hoehn and Chuck Sullivan were present for the applicant. The property overlooks the harbor and is located between Reily and Wrigley. The new house will be located in the same location as the old and will be slightly smaller than the existing. Because the project is located in the shore zone and on a nonconforming lot, the applicant will need special permits from the planning board. Province made a motion to continue the hearing to the next meeting and schedule a site visit. Carlson seconded the motion. Unanimously approved.

**Braude.** NOI to add a partial second story to an existing residence, Navy Way. George Sourati was present for the applicant. The property is in the flood zone. The project will also need Planning Board approval. The board had no concerns, and noted that the project does not seem to have any impact on the resource areas. Province made a motion to issue and order of conditions. Lollis seconded the motion. Unanimously approved.

**Condon.** NOI to build pool and pool shed, Cow Bay. Brooks Billingham and Carole Hunter were present for the hearing. The applicant Fred Condon was also in attendance. The property is next door to Dekker and within 200-feet of a bordering vegetated wetland. The proposed location of the pool is currently lawn and mowed meadow.

Ed Cerullo noted that the Cow Bay Corporation is not in favor of the pool location. He said that the neighborhood is concerned that the pool will destroy the view not only from their own homes but from Beach Road as well.

Condon disputed that there was a convention in Cow Bay prohibiting building within the 200-foot setback from Trapps Pond. Cerullo submitted a plan drawn up by Schofield, Barbini & Hoehn showing that all the neighboring houses were built in back of the 200-foot line.

Mr. Dekker commented that he finds it ironic that Condon has asked him to move his house back, but wants to put his pool in everyone else's view.

Robin Cook, an abutter, and a 20-year resident, said that everyone in the neighborhood is aware of and follows the convention. Cook reminded Condon that he had lobbied hard to make sure that the McColgan's located their pool behind their house. He said that if this is allowed, others will follow. He said that the pool would need to be fenced and that it would be very visible from Beach Road.

Carole Hunter suggested that even if the pool was moved back 50-feet, it would still be within Mr. Cook's view.

Province made a motion to continue the hearing to the next meeting and schedule a site visit. Lollis seconded the motion. Agent requested a more detailed pool plan that indicates the distance to groundwater.

CONTINUATIONS:

**Floyd.** NOI for new dwelling & related site work, Tom's Neck Farm. Mark Nicotera, builder, and Ann Floyd were present. Nicotera explained that a number of factors influenced the choice of location of the house: it was not in the flood

zone, and meets the restrictions imposed by the archeological study. Nicotera noted that the house will appear as one level when viewed from Dike Road. The house is approximately 2800 sq. ft., including the garage.

Carlson and Vincent gave a report of the site visit. The Commissioners were concerned that the location of the existing well would require the line to be brought through the wetlands to the house. The agent noted that even though the wetland is not perched on a clay layer, it would be better if the water line did not go through it or under it. Ms. Floyd said that she would rather not relocate the well as it is a new well. She said she will explore getting an easement from her son, who owns the adjacent lot.

Lollis was concerned that the house is located only 23-feet from the wetlands. Ms. Floyd explained that the tribe has not been responsive to her suggestion that the artifacts be moved. Consequently, she is severely limited when trying to site the house.

After some further discussion, Province made a motion to continue the hearing pending either the relocation of the well or an easement allowing the water line to be located outside the wetland. Carlson seconded the motion. Unanimously approved.

**Rankow.** NOI to add one piling, off South Water Street. Abutters M/M Weisman, Nina Pickering Smith – attorney for the abutters, and Norman Rankow were all present.

Mr. Rankow noted that the application is currently to permit, license, and maintain one additional spile so that he can moor his boat safely. Rankow said that for six months he has been diligently working with his neighbors, but no compromise has been reached. His neighbors will not work with him.

Rankow maintained that he has every right to moor his boat in its current location. He said he has no intention of moving his boat.

Nina Pickering Smith from Anderson Kreiger commented that a number of errors had been corrected since the initial hearing items. She said she agrees that the

addition of one piling will not lead to environmental degradation, however she took issue with Mr. Rankow's assertion that his boat was moored legally. Ms. Pickering-Smith said that Mr. Rankow has no legal right to keep his boat in this location.

Ms. Pickering-Smith said that the piling will interfere with her clients' ability to use their dock and maneuver their boats. Weisman said that a planning board decision stated that no new docks were permitted in this area and said that Rankow has been docking his boat illegally for 5 to 6 years.

Rankow noted that the Weismans are not direct abutters. He noted that he had letters of support from the direct abutters on the other side, the Foliards, and from the Marine Advisory Committee and the Shellfish Department. Rankow submitted a photograph indicating that the piling will be 34-feet from the Reeds' dock and 12 to 16 inches off his boat, not in the middle as the Reeds contend.

Rankow said that he has been to DEP: the bulkhead is licensed and he was told that there is no vehicle or need for licensing a cleat or a marine pedestal. Mr. Rankow then read an email from Ben Lynch of DEP. Lynch noted that DEP does not have authority over where vessels are moored; that is up to the harbormaster.

Rankow stated that everything that needs to be licensed is licensed.

Carlson asked if town counsel had weighed in on the issue. The agent replied that town counsel had reviewed all the information submitted after the last meeting and concluded that the town did not have any standing or concerns relative to the abutters' complaints. Ms. Pickering-Smith asked if she could get a copy of town counsel's opinion. The agent replied that it was a verbal opinion.

After some further discussion, Lollis made a motion to issue an order of conditions for the piling. Carlson seconded the motion. Vincent also voted to grant the order. Province abstained. Motion carries.

There being no further business, the meeting adjourned at 7:15 p.m.

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