

## Minutes of a Conservation Commission Meeting - 24 March 2021

Members present: Christina Brown, Peter Vincent - Chairman, Jeff Carlson, Geoff Kontje

Absent: Lil Province, Bob Avakian

Staff: Jane Varkonda, Lisa Morrison

### **Public Hearings:**

**NORTH WATER STREET PROPERTIES - 99 NORTH WATER STREET.** NOI to repair cap on an existing 65-foot seawall. John Lolley was present for the applicant. Lolley explained that the wall is made of cement blocks with a cap. The only repair is to remove the cement-block cap and replace it with new stones. No excavation is required. All work will be done by hand. Kontje made a motion to approve the project as presented. Carlson seconded the motion. Unanimously approved by roll-call vote.

**O'KEEFE - 71 KANOMIKA ROAD.** NOI to construct new residence, barn, septic and related site work. George Sourati and Patrick Ahearn were present for the applicant. Sourati explained that the site is an unbuilt wooded, six-acre lot, the majority of which is below the 100-year flood. [Former Spering lot]. No work is proposed on the existing path to the pond. Sourati went over the specifications of the septic system and noted that the house will be at elevation 8.5.

Ahearn commented that the proposed dwelling will be 22-feet high at the top of the ridge. He noted that the trim will be gray. The house will be built in an already cleared area of the lot. As the house is entirely within the flood zone and it will be built on a crawl space with flood vents.

Brown asked if there were any renderings of what the proposed house will look like from the pond. Ahearn replied that the house is 310-feet away from the pond and there is heavy vegetation between the house site and the pond. The very top of the roof may be visible. He said that the applicant will return to the Commission for view channels once the house is built.

The agent noticed that portions of the 'proposed clearing' was within the 100-foot setback. Sourati said that the plan will be revised. The agent recommended that the application be amended to include maintaining the path and adding a raised boardwalk over any wet areas. Ahearn said that this could be part of a final landscape plan.

Carlson asked if there was a homeowners' association. Ahearn replied that it had expired. Carlson made a motion to continue the hearing to the next meeting, 14 April, and schedule a site visit. In addition to a rendering, applicant will supply a wildlife inventory and habitat assessment. Kontje seconded the motion. Unanimously approved by roll-call vote.

**LELANDS PATH DOCK LLC - LITCHFIELD ROAD.** NOI to construct 115-foot pier, gangway, and float. Reid Silva was present for the applicant. The property is owned by Janet Brown Jussel, but is used as an association's access to the beach and harbor. The pier is designed to be used for small boats. Steve Ewing came up with the design, which minimizes the amount of fixed pier in order to avoid ice damage in the winter. The fixed portion of the pier would be just 70-feet, with a 20-foot gangway and a floating T. The float would be bottom anchored. The point of the gangway is to keep piles and pipe supports away from the end of the pier.

Depth at the end is approximately 2-feet. The MAC did not think that shellfish was a concern in that area, however the DMF would prefer a depth of 30-inches. There is no eelgrass in the area according to Mr. Ewing.

Vincent asked about the faired pier line. Silva said it was an additional 40-feet out. The association is not proposing a deep water dock, it would only be for small craft.

Kontje asked how people will access the dock and if there would be a parking area. Silva said he did not know.

Varkonda asked if the pier would be located on a designated barrier beach.

Silva said that he is still waiting for an official letter from the Marine Advisory Committee.

Kontje commented that he recalled the Commission denying an application for a floating pier in similarly shallow water. He said that a floating pier in two feet of water didn't sound like a good idea. The floats may be on a stop, but the boats would not be.

Vincent asked what the depth at the faired pier line. Silva said it would probably be about 3.5 feet.

Brown made a motion to continue the hearing to the next meeting, 14 April, and schedule a site visit. Kontje seconded the motion. Unanimously approved by roll-call vote.

#### **Continuations:**

LUNDGREN - 22 LELANDS PATH. NOI for pool, guest house, patio, landscaping, and related site activities. Doug Hoehn, Sasha Robinson-White, and Gerry Conover were present for the applicant. Application is under local bylaw only as the property is within 100-feet of the 100-year storm zone.

A brief report of the site visit was given. Carlson noted that the pool could not be located further inland because of a large oak tree. Kontje commented that the proposed location has already been fairly developed. He said he did not think the pool would be visible from the water.

Mr. Robinson-White said that the intent was to nestle the pool behind the existing retaining wall.

The agent reported that Sheriff's Meadow has no issue with the proposal.

The agent also noted that the exterior lights on the second floor of the house need to be fully shielded to shine only downward. Mr. Conover said he would ensure the lights are changed out.

Kontje made a motion to approve the project as presented with standard conditions, including a final landscape plan that will stipulate the timing and frequency of mowing the existing meadow and an exterior lighting plan. Carlson seconded the motion. Unanimously approved by roll-call vote.

LEVIN - 82 TURKEYLAND COVE. NOI to remove existing dwelling and guest house, construct new dwelling, septic, pool garage, and related site activities. Reid Silva was present for the applicant. As requested, a rendering of the proposed house from the pond was submitted. Silva noted that the proposed house will be set back further on the lot than the existing.

The agent noted that the old pier and several rocks that were placed at the base of the bank need to be removed before the new construction begins.

Kontje gave a brief site visit report. He commented that the existing guest house is too close to the water. He said that the proposed structure is both smaller and further inland than the existing. Kontje said he would like to see the oaks that are along the edge of the pond protected.

Carlson made a motion to approve the project as presented. Kontje seconded the motion. Standard conditions plus removal of stones and dock. Applicant will submit a landscape plan that (a) provides a vegetation management plan for the area between the shoreline and the lawn, and (b) a plan for maintaining the oaks along the shoreline is to be submitted for review and approval. Board of health regulations for fertilizer is to be included in the conditions. Unanimously approved by roll-call vote.

ANDERLE - 12 MILIKIN WAY. NOI to demolish existing dwelling and guest house, construct new dwelling, guest house, pool, well, septic, and related site activities. George Sourati, Phil Reagan, and Kris Horiuchi were all present for the applicants. The applicants, Nick and Jodi Anderle, were also present.

Sourati reiterated that the existing house and guest house built in the early 80s will be demolished. The new house will be 320-feet away from Katama Bay. Sourati noted that the project has been approved by Natural Heritage.

Sourati submitted a rendering of the proposed house from Katama Bay, noting that it will be slightly lower than the existing house and somewhat longer.

Kontje noted that part of the proposed retaining wall cuts into the 100-foot zone.

Kris Horiuchi said that without retaining wall, they would need to put up a handrail on the deck or bring in more fill. She said that the retaining wall will help reduce the visual impact and minimize the amount of fill that would need to be brought in to the site.

Brown asked why the wall needs to be in the 100-foot zone. Horiuchi commented that the retaining wall stays within the footprint of already altered land. Horiuchi said that the wall was carefully designed in order to keep alteration of the site and fill to a minimum.

Carlson asked about the limit of work. Sourati said that he would like to be able to have permission for limited work on the water side of the wall, making sure that all work on that side would be done by hand. All heavy construction and excavation will be done from the landward side.

Horiuchi noted that the foundation for the new house will be put in prior to the retaining wall. She said the goal is to have as little impact as possible on the 100-foot zone. She said the area will be completely restored after construction.

Retaining wall will have a concrete footing and a fieldstone veneer.

Kontje made a motion to approve the project with standard conditions and a construction zone of 15-feet off the water side of the retaining wall. The agent noted that the applicants need to contact the Tribe prior to any excavation. Carlson seconded the motion. Unanimously approved by roll-call vote.

OTHER BUSINESS - KITE BOARDING IN CAPE POGUE. Vincent reported that he recently attending a meeting with the state that focused on possible methods for managing the use of Cape Pogue Bay. Apparently kite boarding interferes with the nesting bird population. Some recommended placing buoys

to keep the kites away from the nesting birds. Kontje also mentioned the effect on the eel grass beds. He also noted the problem of boats on the beach and the difficulty of regular enforcement.

Varkonda commented that the Commission should have a voice in the creation of the Cape Poge DCPC. She said she believes that the Shellfish Committee and the Marine Advisory Committee will have a temporary emergency plan in place before the summer season. Vincent suggested that members of the MAC and Shellfish Committee attend a meeting and bring the Commissioners up to date.

There being no further business, the meeting adjourned at 5:45 p.m.

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