

Minutes of a Conservation Commission Meeting - 28 April 2021

Members present: Peter Vincent - Chairman, Jeff Carlson, Lil Province, Bob Avakian, Christina Brown

Absent: Geoffrey Kontje

Staff: Jane Varkonda, Lisa Morrison

**Public Hearings:**

BENNETT 37 North Neck Road. NOI to install 8 x 15 above-ground swim spa on a 10 x 17 concrete pad. (Approximately 1-foot of concrete on each side.) Reid Silva explained that the owner recently had surgery. Vincent asked how many gallons the spa holds. Silva said he wasn't sure, but imagined around 1980 gallons. Silva agreed to add a dry well to the plan.

Carlson asked if the site was irrigated, and suggested that some irrigation could be eliminated to compensate for the water used in the spa. Carlson was also interested in the size of the lawn.

Carlson asked how power would get to the pool. Silva said it will likely be trenched from the basement. Carlson asked that the trench be added to the plan.

Brown asked about lighting. Silva said he did not know if additional exterior lights are proposed, but the spa has its own built in lighting. Brown also asked for a cut sheet regarding the type of water treatment that will be used.

Silva will confirm with the Board of Health and the Building Inspector as to whether or not a fence would be required.

Avakian made a motion to approve the project with standard pool conditions. Province seconded the motion. Unanimously approve by roll-call vote.

MOFFETT 7 North Bog. NOI to upgrade septic system. Reid Silva representing applicant. Upgrade will serve a soon-to-constructed guest house that is outside the Commission's jurisdiction. The existing leaching field will be abandoned and a new high capacity infiltrator bed will be installed. The bed will be approximately 123 feet from the edge of an existing bog. The current leach field is quite a bit closer to the edge of the bog. The upgraded system will serve both the existing main house and the one-bedroom guest house. Province made a motion to approve the project as presented with standard conditions. Avakian seconded the motion. Unanimously approved by roll-call vote.

HOWELL 86 Turkeyland Cove. NOI to renovate and add to an existing residence and garage, and upgrade septic system. George Sourati, Chuck Sullivan, and the applicants were present. Sourati explained that the Howells bought the property last summer. The intent is to bring both the house and the new construction into compliance with current flood plain regulations, which will involve elevating the house approximately 2-feet. All the mechanicals will be brought up to the first floor. No increase in the number of bedrooms is proposed. All additions are basically one story. The only incursion into the 100-foot zone is one porch step.

Sourati said that they propose to elevate the grade around house by 18 inches, which will make the house 27'5" from mean natural grade and require a special permit from the Planning Board as it is over the 26-foot height limit.

Brown made a motion to continue the hearing to the next meeting, 12 May and schedule a site visit. Province seconded the motion. Unanimously approved by roll-call vote. Applicant to supply a rendering of what the house will look like from the pond.

ST JOHN 26 Crackatuxet Cove. RD for the construction of a new residence with garage and associated landscaping and site work. Reid Silva, Jim Cutler, Bruce Anderson, and Doug Cooper were all present for the applicant. The determination was filed in order to have the Commission give the project an informal review prior to submitting a full notice of intent. The entire site is in the AE 10 Flood Zone.

Large pines and cedars have grown up limiting the view down to the cove. The proposed house will be broken up into several sections as the owners have a large extended family they would like to accommodate.

The landscape architects are proposing to bring in fill to raise the grade in an area that is currently a horse track, and then grade down from a proposed terrace. Alternatively, they could build a vertical wall, but the architect did not think that would do anything to enhance the site.

Vincent asked if the existing house would be staying. Cutler said they were not sure; it may be repurposed as the guest house.

Brown made a motion to continue the hearing to the next meeting and schedule a site visit. Avakian seconded the motion. Unanimously approved by roll-call vote. Applicants' agents will stake the 100-foot line and erect a story pole representing the proposed ridge height.

SHALLET 26 Louis Field [Bob Avakian abstaining]. RD for the construction of a residence and associated landscaping and site work. Kristen Reimann and Deborah Cedeno were present for the applicant. There is a large wetland across Louis Field Road from this property, which is more than 200-feet away. However, Doug Cooper located a 700 s.f. isolated swamp that is 25-feet from the proposed driveway.

Carlson asked about the nature of the isolated wetland. Cooper replied that it is insignificant with marginally wet soils and some wetlands vegetation. He said that if it was later in the season, he would never have found it. He said that it is virtually indistinguishable except at the wettest time of the year: the soil would be mushy, but water will not pool. It does not function as a vernal pool. Province made a motion to issue a negative determination. Carlson seconded the motion. Unanimously approved by roll-call vote of all those voting.

**Continuations:**

MV 100 OYSTER POND ROAD (Friedman) [Vincent abstaining]. NOI to construct pool, fencing, and related site activities. Reid Silva was present for the applicant. On the site visit, a question arose about how many trees would be removed. Carlson noted that the HOA across the pond was also concerned about tree removal. Silva noted that the construction will take place from the east, where there are few trees. The cedar tree that is located in the footprint of the pool will be transplanted. Silva noted that a dry well will be located northeast of the pool and towards the house. He said the pool fencing will be the traditional 4-foot black wire fence.

The agent noted that the vegetation on the face of the coastal bank is being trimmed very low and should stop. She said this does not enhance the view and may contribute to the instability of the bank. She suggested that a condition be added to the order.

Brown asked that a full landscape plan be submitted for review after the pool is constructed. Carlson made a motion to approve the project as presented with those conditions. Province seconded the motion. Unanimously approved by roll-call vote, by all those voting.

79 TURKEYLAND COVE ROAD - NOI for the construction of a field office, driveway, and underground utilities. Doug Hoehn and Chuck Sullivan were present for the applicant. A report of the site visit was given. Existing trees have been added to the plan and the field office will be located behind those trees; it will be virtually invisible except from a portion of the driveway. Carlson noted that the site visit confirmed that the structure will not be visible from the pond or from any public way.

Sullivan noted that the structures will be mounted on sonatubes and could be removed without too much difficulty. Structures will be shingled. There will be a bathroom, but no shower and the units will not be used as sleeping space. Electricity will also be provided.

Province 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 single-family residence, barn, septic and related site activities. George Sourati and Patrick Ahearn were present for the applicant. Sourati noted that the site is very wooded, and there are currently no views to the pond. Leaching field has been located as far from the pond as possible. The majority of the house will be located in an existing meadow.

Wildlife and habitat report by LEC was submitted as requested. Natural Heritage has also approved the project.

Vincent confirmed that the site is currently very wooded. He said he did not believe that the proposed activities would have a negative impact on the wetlands. Vincent noted that the applicant would have to return to the Commission for any proposed view clearing.

Avakian made a motion to approve the project as presented with the standard conditions. Carlson seconded the motion. Brown proposed 30-foot construction zone be established on the water side of the house. No removal of vegetation outside of the construction zone or within the 100-foot zone until landscape plan approved. Unanimously approved by roll-call vote.

LELANDS PATH DOCK LLC Litchfield Road. Construction of a 125-foot pier - including a gangway and float. Reid Silva was present for the applicant. Pier was extended in order to conform to DMFs request that there be a minimum of 2.5 feet between the bottom of the floats and the substrate below. DMF also recommended that float stops be set at 30-inches in order to maintain this buffer.

The hearing was continued to determine whether or not the pier would be located on a barrier beach. The agent noted that the area meets the definition of Barrier Beach as defined in the wetlands act. The town's Harbor Plan does not allow piers to be constructed on barrier beaches. The agent contacted a CZM coastal geologist who said that she knew of no reason why a pier would be prohibited on a barrier beach. The agent recommended that the project be approved.

Silva noted that even though this area may meet the definition of a barrier beach, it does not function as a typical one. It is a very stable area, with plenty of vegetation. Silva said that the pier would have no impact on the function of the barrier beach.

Brown made a motion to approve the project with conditions: no rafting of boats off the end of the pier, no lighting without prior approval from the Commission. Access is limited to one golf cart, which may

be parked on the lawn of the Jussel property. Float and gangway are to be removed seasonally and stored in an upland location. return, approval does not allow driving on the barrier beach. Construction will be from the water by barge.

Province seconded the motion. Unanimously approved by roll-call vote.

**Other Business:**

MV GOLF CLUB Lighting plan for Turf Management Building. [Carlson abstaining]. Vincent noted that he is member of the club, but will not benefit financially from this proposal. As required by the MVC decision, all golf club lighting must be reviewed and approved by the Conservation Commission. Proposed lighting will conform to the minimum required by the building code, i.e. at exterior doors and porches. All fixtures will be fully shielded to shine downward, be of low-wattage, and dark-sky compliant. No motion sensitive lights are proposed. There will be no lights in the parking area, and the lights will not be on 24-hours. The building is not located in moth habitat and is far from the frost bottom. Avakian made a motion to approve the plan as presented. Brown seconded the motion. Unanimously approved by roll-call vote, by all those voting.

HARBOR VIEW PARK - Unauthorized cutting of phragmites. Jane Chittick was present. The town had a survey done and the agent confirmed that the property line is not the fence line, but 5-feet closer to town property. The Lovells were given this 5-foot strip from the Harbor View back in 1974. Landscapers for the Lovell-Smiths put down a layer of plastic and covered it with mulch in an attempt to keep the phragmites away from their fence. The agent noted that phragmites are both noxious and invasive, as well as being a fire hazard. In the course of putting down the mulch, the landscaper cut some phragmites on the town's property. There are also two kayaks on the town's property. Agent will send a note to the owners and the landscape company asking that they refrain from further cutting and relocate the kayaks. Ms. Chittick had additional questions about the survey and the relation of the stakes to the cut area. She noted that the path was not there a year ago and said she was not convinced that the mulch was not on town property. She said she was the agent for Fairleigh Dickinson when the gift of land was given to the town and wants to make sure that his gift is respected.

After some further discussion, the Commission voted to conduct a site visit.

KATAMA FARM UPDATE Agent reported that proposals will not be opened until tomorrow's stewardship meeting.

Orders of conditions were ratified, as were the minutes of April 14th.

There being no further business, the meet was adjourned at approximately 6:00 p.m.

*Approved at 5.12.21 Meeting  
Peter Vincent  
Lil Province  
Jeff Carlson  
Christina Brown*