

Minutes of a Conservation Commission Meeting – 26 May 2021

Members present: Peter Vincent – Chairman, Geoff Kontje**, Jeff Carlson, Lil Province, Bob Avakian, Christina Brown*

Staff: Jane Varkonda, Lisa Morrison

Public Hearings:

6 SWAN NECK REALTY TRUST – NOI to construct new dwelling, garage, septic system, well, pool, pool house, view channel, and associated landscaping and site work. Reid Silva of VLS was present for the applicant. Proposed house will have a 3200 sq. ft. footprint and approximately 5200 sq. ft. of living space. Lot was subdivided by the Kohlberg family and the original MESA work was done by Tori Fletcher. There is significant priority habitat on the property.

Agent requested a rendering from the pond, a wildlife inventory, a septic plan, a cross-section of the pool, and depth to groundwater. She noted that the house was just 107-feet from the edge of the wetlands, which doesn't leave much room for a construction zone. Board would like to see the house moved back. Silva explained that they are trying to balance distance from the 100-foot zone with the ability to have views down the pond from the house.

*[Brown joins meeting]

After some further discussion, Carlson made a motion to continue the hearing to the next meeting, 9 June, and schedule a site visit. Vincent, Province, Avakian, and Carlson all voted aye by roll-call vote. Brown abstained.

FINN - 2 SWAN NECK ROAD – NOI to construct dwelling, garage, septic system, well, pool, view channel, associated landscaping and site work. Reid Silva was present for the applicants. Reid explained that, as with the earlier application, in order to get views down the pond, the houses are proposed to be constructed closer than normal to the 100-foot zone. Line of the shore zone extends very close to the pool and cuts across the pool surround. The house will be approximately 105-feet from the buffer zone; the pool is 102-feet from the 100-foot zone. The same attempt to balance proximity to the 100-foot zone and limit the width of the view channel, while still providing a view of the pond from the house is at play on this lot as well. Pushing the house further back on the lot would create the need for more extensive cutting to provide a view of the pond.

**[Kontje joins meeting]

This lot also has priority habitat on the property.

Proposed house will have a footprint of 2600 sq. ft. with a total of 4200 sq. ft. of living space.

Vincent questioned why the pool patio was located in the 100-foot zone. Carlson asked why the proposed pool fencing was so extensive, instead of being confined to the immediate pool area. He also

noted that the fence was within priority habitat. Carlson also thought that a more rectangular shaped view channel should be explored.

Agent requested the same documents required as for previous application.

Kontje suggested turning the pool and patio 90 degrees, which would take the pool further away from the 100-foot zone and out of priority habitat.

Brown made a motion to continue the hearing to the next meeting, 9 June, and schedule a site visit. Kontje seconded the motion. Unanimously approved by roll-call vote.

EIFFEL NOMINEE TRUST (Savage) – 6 NORA’S LANE. NOI to construct new stone patio, pool & pool equipment storage area, septic system, and associated landscaping. Reid Silva was present for the applicant. He noted that the application is before the Commission because of its proximity to two man-made ponds within the Nora’s Lane subdivision. Any pond over 10,000 sq. ft. is treated as a potential resource area by DEP. Current application is primarily for landscaping and pool construction. The existing pool apparently is leaking. What the applicant would like to do is remove the existing pool this season, fill in the hole, and landscape. They would then return to the Commission next season for permission to install the new pool. The exact size of the pool is yet to be determined, but it will be in the same general area.

Varkonda and Province commented that the plant list was appropriate and included all native species. Varkonda also noted that the man-made ponds adjacent to the property do not function like natural ponds, and are essentially sterile.

Avakian made a motion to approve the proposal as presented. Kontje seconded the motion. Unanimously approved by roll-call vote.

55 KING POINT WAY REALTY TRUST – NOI to construct replacement dwelling, pool, spa, tennis court, garage, septic system, and associated landscaping and site work. Doug Hoehn was present for the applicant, as were Matt Kramer and Phil Regan from Hutker Architects, and Dan Gordon and Patrick Taylor from Dan Gordon Landscape Architects. Former Toby Armer property that was purchased by Grenert, and then by the current owners last fall. Property is 4.2-acre lot with an existing house. Applicant is proposing the construct a new dwelling in Zone 2 as well as a fitness studio that the health agent has signed off on. Most of the dwelling is outside the 100-year flood.

Habitat assessment by Dick Johnson was submitted with the application. Property is within the Katama District so there is a limit of four bedrooms per the Board of Health. Landscape plan not finished, but will include proposed views from the pond, and where roof run-off will be directed.

Hoehn noted the pool cross-section on the plan and commented that the pool will have a salt-water filtration system.

Mr. Hoehn commented that most of the lot is within Natural Heritage’s jurisdiction. Their comment letter has not yet been received.

Matt Kramer made the presentation of the floor plans and elevation. House will have approximately 6000 sq. ft. of living space between two floors. Parts of the house will be one story; others two.

Vincent commented that there seemed to be a lot of glass on the water side of the house, which would face the public view.

Vincent noted that the house is very old. Assessor's records date the house at 1904, though it has had several renovations. Hoehn responded that the application is in the process of being reviewed by the MVC. Hoehn noted that after the property was purchased, a revised DRI checklist was approved, which now makes tearing this house down a mandatory referral.

Phil Regan commented that the previous owner had told him that all that remained of the original house was the chimney and the stairway – neither of which meet code.

Kontje asked about the elevation of the site, specifically because the proposed house will have a full basement, which the original house did not. Kramer replied that groundwater is at elevation 5 – as per Doug Hoehn's presentation. He said that the bottom of the footings will be in groundwater but the top of footings will be out of groundwater. Regan said that they have been monitoring the groundwater for some time. He said that any finished space in the basement will likely be removed from the plan should they encounter groundwater.

Varkonda asked that elevations be annotated on the plan in those areas where work is being proposed. After some further discussion Avakian made a motion to continue the hearing to the next meeting, 9 June, and schedule a site visit. Province seconded the motion. Unanimously approved by roll-call vote. Vincent reiterated that he was concerned about the amount of glass proposed on the water side of the house. He noted that the property is on a low-lying lot with stunted vegetation and a lot of glass would make the house very visible from the pond at night.

Continuations:

CORBO – 9 JANE'S COVE. NOI to renovate and add to an existing dwelling, construct guest house, barn, pool, terraces, revise septic system, and related landscaping and site activities. Doug Hoehn and Patrick Ahearn were present for the applicants. Carlson gave a report of the site visit, noting that a number of issues need to be addressed including an unpermitted secondary path to the pond, improperly cut view channels, and an unpermitted temporary dock. Carlson said that the proposed new activities on the lot seem to be relatively uncontroversial and noted that the work area is well defined on site. It also appeared that the paths are cut too wide. The agent noted that the current owners do not have a current order of conditions for any landscape work, as the previous order of conditions was closed out by a certificate of compliance. Corbos have owned the property for about 8 years.

Vincent asked if an enforcement order should be issued. Hoehn thought that several of the issues could be fixed by just allowing the vegetation to regrow. He said the wheeled pier had a low profile and the applicants tie their boat off the end, which seems less harmful than beaching a boat each time it is used. Hoehn said he had not seen the contraption on his previous visits to the site.

Varkonda noted that even though the dock is not affixed to the bottom it is still displacing the bottom habitat and not allowing light and air to penetrate to the vegetation below. Even though it is small, if the Commission were to allow it, it would set a precedent that is not allowed under the DCPC.

Province said that she would like to know who did the unpermitted cutting. The agent said that the applicants will need to hire someone to let her know what was cut and to confirm whether or not the paths and view channels are where they are supposed to be.

Doug asked if the enforcement issues could be handled separately and allow the new work to proceed. Varkonda said that she will issue an enforcement order for the violations, but the Commission could allow the new work to proceed. No additional landscaping is proposed.

Kontje made a motion to issue an order of conditions for the renovations/additions to the main house, and for the pool, barn, terraces, tennis court, garage, and septic system and to issue an enforcement order for the violations. Carlson seconded the motion. Unanimously approved by roll-call vote.

ROSBECK – 31 LEWELLYN WAY. NOI for the construction of a new dwelling with attached garage, detached bedroom, pool, and related landscaping and site activities. Doug Hoehn was present for the applicant, Ted Rosbeck, who was also present. Rob Moriarty, attorney for the applicant and Caleb Nicholson of Contemporary Landscapes was also present. Hoehn went over some of the plan changes as a result of the last meeting: house, detached bedroom, and pool were moved as far away as possible from the wetlands and still meet zoning setbacks. Drywells were also added to address any pool draw down. Hoehn commented that the proposed construction would not be visible from any public way.

Doug Cooper reflagged and confirmed that there was no migration of the wetlands boundaries. Dry wells and a cross-section of the proposed pool were also submitted. Hoehn explained his methodology for determining groundwater; high groundwater was found at approximately 14, as shown on the pool cross-section.

Ted Rosbeck also submitted cross-sections of the house in relation to groundwater, showing the bottom of the basement well above groundwater.

Carlson gave a site report noting that there is quite a bit of meadow between the proposed construction and the wetlands. He said he did not think the proposal will have any negative effects on the resource area.

Ted Rosbeck addressed some issues raised by the Land Bank in their letter dated 19 May 2021. The first two concerns, i.e., depth to groundwater and wetland migration were already addressed. The third issue involved maintenance of the culvert under West Tisbury Road. Rosbeck commented that the culvert is currently blocked by sandbags. If the sandbags were to be removed, the wetlands would be drained. The fourth issue, that of pool maintenance, was also previously addressed by the addition of drywells on the plan. Rosbeck said that the access issues are illusory; access to the property will be entirely from Llewellyn Way – there is no need for access over the Land Bank land, even if they do have an easement. Rosbeck said that he has no intention of using the access over the Land Bank land for

construction vehicles, which was a condition of a previous approval. Province made a motion to approve the project as presented with standard conditions including previous condition regarding access during construction. Carlson seconded the motion. Unanimously approved by roll-call vote.

Other Business:

MALM – Agent reported that an abutter has complained that the new Malm house appears to be much larger than the 7500 sq. ft. structure that was presented to the Commission. House is well over 10,000 sq. ft. There is a CR on the property which prohibits the house from being larger than 7500 sq. ft. Agent will work with the Nature Conservancy, which holds the CR.

KATAMA FARM A request to extend the lease for an additional 30 days was approved. Motion made by Kontje, seconded by Province. Unanimously approved by roll-call vote by all those voting. Brown abstaining.

Varkonda suggested that a separate meeting be scheduled to discuss TTOR's proposed use plan.

Minutes of 12 May were approved by roll-call vote. Motion made by Carlson. Seconded by Avakian.

There being no further business, meeting was adjourned at 5:50 pm.

Approved: _____