

Minutes of a Conservation Commission Meeting – 8 March 2017

Members present: Peter Vincent – Chairman, Christina Brown, Geoffrey Kontje, Stuart Lollis

Absent: Jeff Carlson, Bob Avakian, Lil Province

Staff: Jane Varkonda, Lisa Morrison

Public Hearings:

KELLEY Request for a determination of applicability to construct a replacement dwelling, garage, and pool on Great Plains Way. Doug Hoehn representing applicant. Stephen Kelley was also present.

Hoehn explained that a small portion of the lot is within the 100-year storm zone. The house itself is not; but it is within 100 feet of the 100-year storm, which puts it in the local jurisdiction.

Hoehn explained that the existing house doesn't meet setbacks, and needs upgrading. The new house will be located substantially within the same footprint as the existing house, but will comply with setbacks.

A letter from abutter Jim Mazzara was read. Mr. Mazzara's primary objection was to the proposed swimming pool. He was concerned about an increase in noise, loss of privacy, environmental effects from possible contamination from chemical treatments, and the negative effect on wildlife. .

Mr. Hoehn noted that the pool is completely above groundwater. He said that at the end of the season, excess water will be directed into a dry well. The filtration system will utilize salt, not chemicals. If the pool ever needs to be emptied entirely, it will be trucked off-site.

Mr. Hoehn noted that the elevation of the current house exceeds 32-feet; the proposed will be no higher than 31-feet.

The agent had some questions about the clearing that was done on the property. Mr. Kelley said that he did not realize he was in the Commission's jurisdiction and apologized for doing the work without checking with the office.

Mr. Kelley was asked what type of vegetation was removed. He said that the lot was very overgrown: most of what was removed was either rotted pitch pine or poison ivy. Some of the work took place within the 100-year storm zone. Mr. Kelley said that he plans to revegetate and landscape the entire lot, including between the proposed pool and the property boundary.

Alice Russell, an abutter, said she didn't understand why so much fill was brought in to the property. She said she counted between 10 and 12 truckloads of fill being brought in.

Mr. Kelley said that there was no significant change in grade. It was noted that the highest elevation on the property is around the house – and the location of the house is not changing significantly.

Ms. Russell noted that the existing 10-foot right-of-way is not suitable for construction equipment. Mr. Kelley said that he is proposing to cut in a new road from Garden Cove and abandon the use of the right-of-way, which he has no plans to develop or improve.

Brown said that she would like to have a site visit prior to issuing a determination. Kontje agreed. The board voted unanimously to continue the hearing to the next meeting, 22 March, for a site visit.

LOEWENTHEIL Request for a determination of applicability to construct a replacement dwelling, garage, pool and cabana on Mattakesset Way. Doug Hoehn and Patrick Ahearn were present for the applicant. The site is adjacent to the walkway that traverses Herring Creek. The existing house is in poor condition. The filing is under the local bylaw only – it is within 200-feet of Herring Creek.

Mr. Hoehn said that the water for the pool will be brought in to the site. Excess water will be directed to a dry well. If a complete pump out is required, the water will be trucked off site. Filtration system will be salt-based.

The house will be no higher than 26-feet, in a 32-foot zone. Chimney will be fabricated from natural stone.

In response to a question from the agent, Mr. Hoehn noted that there were very few trees between the house and beach. He said that area is so windy they do not grow well.

A letter from Deborah Hall, an abutter, was read. Ms. Hall was primarily concerned about the effect of the pool on a fragile aquifer and construction noise. She asked that construction activities be limited to between the houses of 9 a.m. and 5 p.m.

After some further discussion, Kontje made a motion to issue a negative determination of applicability. Lollis seconded the motion. Unanimously approved with conditions.

Other Business:

° It was decided that a site visit to the Malm property – subject to a restoration order – will be done the same day as the site visit to Kelley, either this Wednesday or the next, depending on the weather.

° The agent noted that she had received numerous requests from Dave Poggi, an abutter to the town's Herring Creek Way property, asking permission to cut trees to maintain the view from his lot and to maintain a path he has cut across the property. Vincent said he did not think that the town could grant view easements. He asked the agent to inform Mr. Poggi and ask him to cease maintaining his path. The agent said she would also contact other abutters who have made incursions onto the town's property.

° The list of activities proposed by the Farm Institute was reviewed. Vincent asked that the request be formatted more formally and annotated to show that it complies with the lease.

° It was also agreed that a plaque should be created to be located near the farm's information kiosk. There is a requirement that a sign or plaque be located at the farm, which states that the property was purchased with state and local grant

monies. The wooden sign has been stolen a number of times. The agent agreed to contact Alan Gowell. The Commission voted unanimously to pay for such a plaque with money from the Property Maintenance Fund.

° Kontje asked if Roosevelt agreed to wooden walkway, if he would have to go back to DEP for an amendment. The agent replied that he would. The agent also commented that DEPs decision required 'wetland replication' – something that neither she nor the board has any experience with. Vincent suggested that Roosevelt be required to show the Commission its replication proposal.

° Proposed new rules and regulations to be discussed at the next meeting, 22 March.

There being no further business, the meeting was adjourned at 6:10 p.m.

Approved: _____