

## Minutes of a Conservation Commission Meeting – 12 August 2015

Members present: Stuart Lollis, Geoffrey Kontje, Jeffrey Carlson, Lil Province, Peter Vincent – Chairman, Christina Brown, Bob Avakian

Staff: Jane Varkonda, Lisa Morrison

**Sheriff's Meadow Foundation.** Request for a determination of applicability to restore along a property line after incursion by an abutter and to remove select trees on property off Navy Way. Kristen Fauteux was present for Sheriff's Meadow. Province made it known that she sits on the board of Sheriff's Meadow and recused herself from the discussion. Ms. Fauteux explained that the neighbor did not survey his property and consequently removed some vegetation on Sheriff's Meadow property. Sheriff's Meadow proposes to plant native grasses and bayberry along edge and road. They would also like to remove several dead Japanese black pines as shown on the plan. Brown made a motion to issue a negative determination of applicability #3. Lollis seconded the motion. Unanimously approved by all those voting. Agent will notify the neighbor that they are in violation.

**71 North Neck Road Association.** Request for a determination of applicability to construct a 10 x 16 deck on the site of two dilapidated shacks that were recently removed. Woody Filley was present for the applicant. He said that the association will use the platform to pull up boats. All construction will be done by hand. There is an existing road to the beach that was installed in the 60s. The area is flat area with no vegetation. The platform will be 17-inches above grade. Mr. Filley said that he would like to use pressure-treated lumber for the framing and Trex on the remainder. The framing will be up off all vegetation and will be 45 to 50 feet from the water. Avakian made a motion to issue a negative determination, with the condition that there be no lighting or plumbing. Province seconded the motion. Unanimously approved.

**Mackenty** (Continuation) Construct new dwelling, barn, septic, and related, off West Tisbury Road. Tracey Smith from SBH and Joanne Gosser were present for the applicants.

A report of the site visit was given. The proposed view channel has been plotted on the site plan and a wildlife inventory submitted. The property is outside of NHESP's jurisdiction. Ms. Gosser did a computer rendering of the house from the pond. She said that the height of the vegetation around the house is between 32- and 35-feet. Ms. Gosser proposed doing the view channel in stages and after the house is built. The agent will supervise the cutting. First they propose to remove some dead trees, and then do some selective pruning of high limbs, and finally some cutting back of the understory. Ms. Gosser said that the barn will not be visible from the pond. The applicants are proposing to construct an Amish barn and they hope to begin this fall.

There was some discussion about the path to the pond. Mr. MacKenty said that there is an existing gully on the property, which is fairly devoid of vegetation, that they use for access. This path will be added to the plan. The existing field is mowed once or twice a year, and the applicants would like to maintain this mowing schedule.

The pond is approximately 5 to 6 feet below the elevation of house site, so there will be no problem getting a view. Province made a motion to approve the project as presented. Kontje seconded the motion. Unanimously approved with the following conditions: Applicant will submit a written description of the proposed phasing in of the two 15-degree view channels.

**Reagan** NOI to construct garage, porch, and deck at 289 The Boulevard. The applicant, John Reagan was present. Property was formerly owned by LaCroix. A report of the site visit was given. The applicant has revised the location of the proposed garage since the previous meeting. The applicant explained that the proposed screen porch would run the length of the house and go out about 10-feet. The proposed swim spa will be in the new proposed deck. Mr. Reagan said that he would like to push out or eliminate the retaining wall on the original plan. The agent commented that this site was very problematic because of the proximity of the wetlands; the retaining wall was proposed as a way to ensure that any landscaping activities did not 'creep' into the resource area. Mr. Reagan purchased the property 3 to 4 months ago. He said that he really wants to install the screened porch because the bugs are really bad. He would like it on the side away from the Rod & Gun Club. Mr. Reagan said that the house has no attic and no basement and he would like some storage above garage. The agent noted that the view channels were approved in the previous application, but have not been cut. Mr. Reagan said that he is asking for the footprint now and will submit the final design for approval prior to construction. The lot is 3 acres. The current house is 1800 sq. ft., the proposed porch would be 10 x 24 (240 sq. ft. ), the deck expansion 10 x 10 (100 sq. ft.) and the garage 24 x 24 (576 sq. ft.).

The Commissioners discussed moving the stone wall to the perimeter of development area and Mr. Carlson had reservations about the garage. After some further discussion, it was agreed to allow the construction of the porch and the deck extension. Motion made by Avakian, and seconded by Kontje. Unanimously approved. Applicant will return for the relocation/removal of the retaining wall and the construction of the garage.

**Bourne.** Unauthorized landscaping activities including installation of a patio, flagpole, expansion relocation of driveway, maintenance of existing kayak racks, The Boulevard. Reid Silva was present for Mr. Bourne, who was also in attendance. The Commission's main concern is the yard area which, although it has been maintained as lawn for some time, is actually a wet meadow. Mr. Bourne said that he would like to continue to mow the yard on a regular basis as his four boys use it as a ball field. He noted that he is not proposing any change in its use or

dimension, as it has been this way for 75 years. Carlson asked what would happen to the area if it were not mowed. The agent said that the grasses would grow higher, but doubted that woody vegetation would reestablish if the area was mowed on an annual basis. The agent recommended that area only be mowed once or twice a year. The agent also pointed out that the kayak rack is currently located in the salt marsh and is quite visible. She recommended that it be moved out of the salt marsh and behind some taller vegetation so that it would not be visible from the pond.

The flag pole is located outside the wetland area and will be dug by hand. It was noted that there is also a tombstone on the property. Mr. Silva suggested that stones could be placed along the perimeter of the meadow every 10 to 15 feet to ensure that the area is not enlarged. After some further discussion, the Commission voted to allow the patio, driveway, and flagpole. Province and Brown had concerns about the meadow and wanted an additional site visit. Board will issue an order for the patio, flagpole, and driveway. The meadow will be conditioned separately as an addendum after an additional site visit.

**Swartz.** Request for a determination of applicability for addition to existing residence. Michael Barclay, architect, present for the applicant. All work will take place from the rear of the property and the addition will be located in a previously disturbed area. A report of the site visit was given. There were no concerns and Avakian made a motion to issue a negative determination of applicability. Province seconded the motion. Unanimously approved.

Sean Murphy was present to discuss two on-going issues on the property: the 10-foot easement across the property and the up-lighting of trees at night. Mr. Murphy stated that the Swartzes have always allowed the public to use the 10-foot easement. He said that the private property signs are necessary to keep the public from accessing other areas of the property, such as the tennis courts, and to keep them from straying across the lawn. Mr. Vincent noted that the easement is located in what was an extension of North Water Street. The town was given the adjacent beach in exchange for maintaining the sluiceway and taking no action to improve the path. Mr. Murphy said that his clients would like to keep the situation as it is, and noted that it is a little bit of a balancing act. He said that the compromise has worked well since 2008, and that he is not aware of any complaints.

As far as the lighting is concerned, he said that he believes that the problem stemmed from the caretaker leaving the lights on inadvertently. He said that this no longer happens and the lights are completely turned off when the Swartzes leave in October. He said that when the leaves are on the trees, the lights cannot be seen by anyone but the Swartzes. After some further discussion, the Commission agreed to conduct a site visit in the evening before the middle of September.

**Farview LLC (Bamford)** Amend order of conditions to include boardwalk and view channel. Joanne Gosser representing applicant. A report of the site visit was given. Ms. Gosser reminded the board that this is a 4-acre parcel. Farview also owns an adjacent 11-acre parcel and both parcels must be conveyed together. NHESP, Nature Conservancy, and Herring Creek have all signed off on the project. The existing vegetation is very thick and, consequently it is very difficult to tell what kind of vegetation is present. The cutting would be done in stages, subject to on-site approval from the agent. The boardwalk will be located in the view channel. There was some discussion as to why a rectangular view channel was shown on the plan instead of the usual cone shape. Brown pointed out that the cone shape obscures the view of the house from anyone on the pond. The proposal was revised to include a 15-degree channel originating at the house and extending just the length of the boardwalk. Avakian made a motion to approve the project as presented. Brown seconded the motion. Unanimously approved.

**OTHER BUSINESS:**

**Roosevelt.** The Commission signed the further findings prepared by staff relative to the Roosevelt boardwalk and voted to include reference to the recent article in the Gazette about the health of Vineyard ponds.

**Eberstadt.** Ron White, landscape contractor, was present to propose a modification to the order of conditions to amend the lawn size. The Eberstadts would like to extend the lawn into some areas of the overwash. Continued to the next meeting, 26 August, for additional information.

**Tyler.** Request to extend revetment due to recent storm damage, North Neck Road. Jim Glavin was present for the applicant. Over the winter some erosion occurred behind one end of the revetment and the applicant would like to extend the revetment back to the new edge of the bank. Province made a motion to approve the extension. Kontje seconded the motion. Unanimously approved.

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

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