

Minutes of a Conservation Commission Meeting - 20 August 2014

Members present: Peter Vincent - Chairman, Stuart Lollis, Lil Province, Bob Avakian, Christina Brown

Absent: Edo Potter, Jeff Carlson

Staff: Jane Varkonda, Lisa Morrison

Lindequist. NOI for landscape restoration and management, Earl Avenue. Mr. & Mrs. Lindequist were both present. They inherited the property some years back and are maintaining it. The property has 68-70 feet of frontage on Sengekontacket. There is an old grass tennis court from the 30s on the property. It is just a cleared area, there are no fences or nets or surfacing. They would just like to keep the brush down to about 4-feet in order to preserve the view.

A neighbor did some clearing and planting on what turned out to be their property. They would like to restore the area and add some native plants.

Marvin Isenstein, an abutter, was also present. He noted that the grass on the tennis court has always been cut. After some further discussion, it was agreed to continue the hearing until the next meeting, 3 September, and schedule a site visit.

Roosevelt. NOI to maintain shrub gardens, view channels subsequent to an enforcement order. George Sourati and Mark Manganello, a wetland consultant from LEC, were present for the applicant. Samantha Look, was present for Carly Look, the landscaper.

Mr. Sourati noted that 1,000 s.f. isolated wetland was located on the plan, as were the planting beds. All the plants that were used in the three planting beds have been listed. An enforcement order was issued, the Roosevelts have chosen to apply to maintain the plantings.

Mark Manganello reviewed the wetlands delineations. He commented that the application is to keep the beds but change out some of the plants so that only native plants will be used in the planting bed that is partially in the wetland. The other two planting beds are in the buffer zone. Mr. Manganello thought that flower beds of native species would be better than lawn in those areas. The applicant is also proposing to use a wildflower seed mix in the view channels and mow annually. It is estimated that the wildflowers would grow approximately 3 to 4 feet high. wildflowers.

Brown asked if the walkway had been removed. Sourati said that he believed it had been removed. Brown asked who removed it, and commented that under the terms of the enforcement order the Roosevelts were supposed to contact the agent in advance to ensure that the removal was done in an environmentally responsible manner.

After some further discussion, the hearing was continued to 17 September and a site visit scheduled for 27 August. Brown commented that the Commission is quite conservative when it comes to planting in - or in the vicinity of - a wetland. She noted that the Commission prefers plants that would naturally occur in the area, not simply native plants. She said she would like to see a complete plant list and wildflower list in advance.

Norton. Request for determination of applicability to construct a guesthouse off the West Tisbury Road. Richard Barbini was present for the applicant, who was also present. Mr. Barbini noted that the wetland is approximately 140 feet away. He said he does not believe that the project would have any adverse affect on the wetland. Province agreed and made a motion to issue a negative determination of applicability. Avakian seconded the motion. Unanimously approved.

Upland Realty Trust. NOI to construct a dwelling and related site activities, off Beetle Swamp. [Vincent abstained from the discussion and left the room]. Richard Barbini was present for Mr. Rosbeck, who was also in attendance. Natural Heritage has reviewed and approved the project. Mr. Barbini said he believed it was a fairly straightforward project. The land is currently an empty field. There is an inland wetland as shown of the plan. The discussion centered on the access to the property. Mr. Barbini said that Rosbeck has a legal right to access the property using the dirt road that crosses the Land Bank's parcel. The building inspector has ruled that this road provides adequate legal access to the property. Rosbeck said that he does not intend the road to become a major service road. He said that he will post the road so that it is not used by service vehicles. He noted that there is alternate access using his Llewellyn Way property, but the driveway is very steep.

Mr. Rosbeck said that he can not absolutely control who will use the road. He said he chains the road in the winter and will gladly put up a sign saying "No service or construction vehicles." No other lot has rights to the easement. He said that he is not willing to give up his right to use this road as the legal access to the property.

Mr. Norton said he thought the lot was land-locked. Mr. Rosbeck said that all property in Massachusetts has right of access. He said that there is such a thing as an easement of necessity. Whatever property the original land-locked parcel came off of must give access.

There was some discussion regarding possible conditions and the suggestion that town counsel review the language to be sure it is enforceable. Brown made a motion to continue the hearing so the board can take the matter under advisement. Motion was seconded by Avakian.

Mr. Barbini and Mr. Rosbeck urged the board to move forward. Barbini noted that the condition restricting the use of the road is similar to one that the Commission uses all the time regarding the use of pesticides, which states that the condition is on-going and does not expire with the issuance of a certificate of compliance. Barbini noted that the legality of the condition is somewhat moot, as it is the applicant who is proposing the conditions.

Lollis made a motion to issue an order of conditions for the construction of the house with the following conditions:

1. Road is for resident use only. Service vehicles and construction vehicles will access the property via Llewellyn Way. This condition shall be considered on-going and shall apply to all successors and assigns and shall not expire with the issuance of a certificate of compliance.
2. The owner of the property will be responsible for any damage to the resource area resulting from the use of the road. Applicant will be responsible for developing and implementing a restoration plan – to be approved by the Commission – should any damage occur. This condition will also be considered on-going.

Unanimously approved.

[Vincent rejoins the meeting]

Morash. Agent reported that a rogue landscaper mowed both the Morash property and the adjacent Sheriff's Meadow property into the wetlands. Vincent suggested that the matter be referred to town counsel and that, as a repeat offender, Mr. Morash be hit with the biggest fine possible.

There being no further business, the meeting was adjourned at 6:30 p.m.

Approved: _____