

Minutes of a Conservation Commission Meeting - 24 July 2013

Members present: Peter Vincent – Chairman, Stuart Lollis, Jeff Carlson, Lil Province, Bob Avakian

Absent: Edo Potter, Christina Brown

Staff: Jane Varkonda, Lisa Morrison

Wrigley (MV Ocean) Ocean View Ave. Request for local order of conditions to correspond with DEPs superseding order. Doug Hoehn and Sean Murphy present for the applicant. Mr. Hoehn explained that DEP issued an order with minor modifications to the original application. As there is no process for amending a local order, they refilled for a local order in order to comply with the superseding order. Mr. Hoehn said that the changes are minor: a 3-foot wide walkway that goes along the bank has been added instead of a set of beach stairs, the pier has been moved 10 feet to the north and the tee at the end reduced by 20 feet - from 80 to 60. In addition the width of the tee was reduced from 8 to 7 feet and the interior tee was reduced to 64 feet. The width of the tees, as well as the pier, was reduced from 5-feet to 4-feet.

Vincent questioned why the Commission had allowed two piers on this lot back in 2011. The original order of conditions stated that there could be more than nine boats total on both piers.

Ellen Kaplan, attorney representing the abutter, Indian Head Penny, who appealed the original order was present. Ms. Kaplan stated that the primary reason why the plan was changed from stairs to a walkway was because the stairs would have triggered a MEPA review. She commented that the 4 tie-off spiles are new, which enables boats to be tied off the end of the pier. She commented that she did not think the plan conformed with the SOC as condition 11 requires the walkway to be at least as high as it is wide. However, the main issue is that according to zoning (Article 20) a facility with more than five boats is considered a marina. Ms. Kaplan asked that the Commission defer its decision until Superior Court decides the marina issue.

Sean Murphy commented that this is a private home and that no commercial activities are planned. There is no marina. He noted that DEP issued the superseding order for this plan, which meets all requirements of state wetlands protection act.

Ms. Kaplan said that the town's harbor plan includes a provision that prohibits marinas in this area. She said that the Commission does have jurisdiction under the harbor plan.

After some further discussion, it was voted to continue this matter to the next meeting, August 7th to consult with the harbormaster/marine advisory committee.

O'Brien Demolish/rebuild residence and garage, Plantingfield Way. Former Truman Place property. Province made it known that she is a member of the Sheriff's Meadow board. SMF is an abutter to the property; there were no objections to her sitting. Applicant submitted photos of the existing conditions. The wetlands are mostly off the property, but the 10-foot contour runs right through the pool. The house itself is just in the local jurisdiction. The existing house has approximately 4050 s.f. of living space; the new house will have 3980 s.f. The existing garage is 535 s.f.; the proposed pool house/garage will have 548 s.f. Pool will require a special permit from the Planning Board as it is within the coastal district. Pool will be approximately 16-feet by 48-feet and will be 5-feet deep. The existing septic system will be removed and the property will be serviced by town sewer.

A preliminary landscape plan was discussed. Part of the existing lawn will be converted to meadow and the grade will be leveled off in the vicinity of the pool.

Pat Tyra, a neighbor, asked if the water in the pool is ever drained. Mr. Hoehn replied that usually some water is drained off for the winter. He said that the purification system for the pool is neither chlorine nor salt based. He will submit details for the file. A condition was proposed that if the pool is drained – even partially – the water will need to be trucked off-site.

Ms. Tyra asked about outdoor lighting. Ms. Tyra was told that a general condition is that only that lighting required by the building code is permitted unless the applicant files a lighting plan.

Avakian asked if many trees will need to be cut. Mr. Hoehn said that the back of the property is open and that work will be done from that side.

Justen Walker, representing a neighbor, asked any changes were planned for the hedgerow between the properties. Mr. Hoehn said that, to his knowledge, no changes were planned and the vegetation between the properties is on the plan.

After some further discussion, the board voted unanimously to approve the project with the following conditions: a complete landscape and lighting plan to be submitted prior to completion of construction, a cross-section of the pool to be submitted, and a plan for disposal of any water drained from the pool.

Katama Airfield. The airfield commissioners were not able to attend the meeting. The commission voted to have the agent send a letter to the commissioners stating that they need

to provide the commission with evidence to prove that they have a legal right to land helicopters at the airport or to cease and desist.

Major's Cove Ron Shilakes, president of Major's Cove Homeowners Association, Jackie Driscoll, and Roy Hope, landscape contractor, were present to discuss unauthorized cutting on the property. Mr. Shilakes commented that the vegetation has been growing back well. He said that there is no doubt that a mistake was made and said he was at a loss to explain it because it was very clear what was and what was not allowed.

Jackie Driscoll commented that the membership has agreed to remove the upper tier of the kayak rack, which would mean a lower rack but a larger footprint. Ms. Driscoll was informed that a new filing would be required.

Roy Hope, the landscaper contractor, said there was some confusion in the wording of order, and the area was cut to 4-feet instead of 6-feet. The agent said she did not understand why there was any confusion, as she had reviewed the order on site. The problem seemed to stem from lack of oversight. It was agreed that, in future, the landscape contractors would be overseen either by a resident or after consultation with the agent.

Schifter. George Sourati was present to discuss the removal of the coir envelopes that have failed. Mr. Sourati said that they hope to begin by August 5th, as soon as the final maintenance on the system is completed. The procedure is explained in a letter dated 24 July 2013 [see file]. Carlson asked how long the system is to remain in place. Mr. Sourati said that the applicants would like the system to stay in place until hurricane season is over. Mr. Carlson said that he did not understand why the system is still being rebuilt if it will be removed as soon as the compaction and backfilling is complete. Sourati said that the order of conditions does allow for maintenance of the system as long as it is in place. There was some discussion of the fact that the original order did not anticipate that the system would require complete rebuilding.

After some further discussion, the commission agreed that maintenance on the center section should stop. They further agreed that the ends of the system may be rebuilt, but - after that - maintenance should stop.

Mr. Sourati submitted a schedule of beach nourishment. He noted that the bluff has not been eroding on the Trustee's side of the property; most of the erosion has been taking place on the east – which is where the majority of beach nourishment has taken place.

Mr. Sourati then submitted an updated schedule. He noted that things are more or less on schedule. The agent pointed out that the order of conditions, specifically condition 11, states that backfilling and compaction shall be completed no later than 30 days after the moving of the main house. Sourati explained in his letter of 24 July that the remainder of the backfilling

needs to wait until the steel is removed from underneath the main house in early September. Mr. Sourati is asking for an extension until early October. After some discussion, the commission voted unanimously to amend condition 11 of the order and allow the deadline for backfilling and compaction to be extended to 4 October 2013.

Mr. Sourati is to notify the commission: (1) when the maintenance work on the coir system has been completed and (2) when the clean-up of the failed logs has been completed.

There being no further business, the meeting was adjourned at 7:00 p.m.

Approved: _____