

Minutes of a Conservation Commission Meeting – 8 February 2012

Members present: Peter Vincent – Chairman, Stuart Lollis, Christina Brown, Bob Avakian, Jeff Carlson

Absent: Lil Province & Edo Potter

Staff: Jane Varkonda & Lisa Morrison

PUBLIC HEARINGS:

Allen - Plantingfield Way. Richard Barbini representing applicant. NOI to remove bittersweet. Roots need to be pulled, cutting doesn't work - just causes the bittersweet to come back stronger. Work area is flat and sandy area, but it is adjacent to the salt marsh, so the work needs to be carefully monitored. Initial work should all be done by hand. If that proves unsuccessful, applicant may return if application of rodeo seems necessary. Avakian made a motion to approve the project. Lollis seconded. Unanimously approved with conditions.

Watts. Meadow restoration, Lennsen Way. Reid Silva representing applicant. Applicant would like to thin out pitch pines and remove invasives such as chokecherry, bittersweet, privet, porcelain berry and russian olive. Site is very thickly overgrown. Work will be done in stages. Adjacent wetland drains into Eberstadt marsh then into Eel Pond. Mr. Silva said that the intent is to get the wet meadow to regenerate. He said that he has been in consultation with Sheriff's Meadow, who is doing a similar project on an adjacent lot. Mr. Silva said that because the invasive vegetation is so dense, they can't really see what other vegetation exists. The first phase would be the selective removal of the woody vegetation. After some further discussion, it was decided to continue the hearing until the next meeting, February 22nd, in order to hear from Natural Heritage.

Carl Watt, a neighbor, said he was concerned about the removal of pitch pines, as some are pretty mature. Reid Silva said the intent was to selectively remove some that are dead or dying. There will be no wholesale removal and the trees will be tagged on site prior to removal. Commissioners voted to do a site visit prior to the continuation.

Felix Neck. Suzan Bellincampi was present for a determination of applicability relative to the removal of 14 pitch pines and small oaks in order to prevent the crowding of two osprey poles on their Great Pond Preserve property (Olive Hillman property.) They would like to do the work before the osprey return in March. The entire property is heavily wooded. Natural Heritage has been contacted. Avakian made a motion to issue a negative determination. Jeff Carlson seconded the motion. Unanimously approved.

Erdman. NOI to maintain existing pier, construct seasonal boardwalk, and lateral access stairs. George Sourati representing applicant. Pier was not built according to plan. Applicant is planning to market the property. Continued to next meeting for MAC comment.

Ross. Request for a determination to construct a pole barn at Cape Poge. Bob Fountain representing applicant. Poles will be 8-feet apart and 10-feet high, with just a little concrete holding them in place. No utilities are proposed. Poles will be untreated 4 by 4s. Brown made a motion to issue a negative determination of applicability. Lollis seconded. Unanimously approved.

Horvitz. Determination. Applicant would like to tie existing buildings in to the town sewer, Starbuck Neck. Richard Barbini representing applicant. Existing septic tanks will be abandoned and filled. Negative determination was issued.

OTHER BUSINESS:

Barnes. Richard Barbini representing applicants. Mr. Barbini reminded the board that the legal owner of the property is Clearbrook Trust. Of the two outstanding violations, the first is the directional drilling to supply utilities to the pier. This was done without permits. Mr. Barbini said that he believed a letter of permission had been received from the Wampanoags. Letter is in file and was read into the record. Mr. Barbini said that from a wetlands standpoint, he does not believe that the drilling has caused any problems, other than having been done without a permit. He noted that the pier is licensed to have both water and power. The drilling originated in the construction zone and went down approximately ten feet and then to the pier. The commission voted to approve the directional drilling retroactively.

The second violation is the illegal dredging. The commission has issued an enforcement order and asked for a survey of the dredging work that was done. A copy a letter from Norman Rankow, chairman of the dredge committee, in response to a letter from the ACOE was read. Not only was the dredging done without permits, but the original scope of 66 cubic yards (or 1400 s.f) was nearly doubled to 130 cubic yards (or 2600 s.f.) The spoils were not deposited on the beach, but blown out randomly into the harbor. Work was done on Friday the 13th for approximately a day and a half.

Mr. Barbini asked to withdraw the application for the float. He said that he and his clients are waiting for guidance from the state and ACOE. He noted that DEP's attorney has been in touch with town counsel.

The commission asked if other dredge permits should be suspended. There are no plans to dredge before next fall. The agent noted that the dredge is done for the year. She said that she checked with town counsel and did not think that it

was possible to legally suspend maintenance permits.

David Nash, acting chairman of the dredge committee, noted that Ed Handy, dredge foreman, is doing a great job. He said that he was dumbfounded that the dredge crew acted the way they did. He said that the committee has yet to begin their investigation. He said that they need to find out what happened and why.

Avakian asked if dredge spoils had ever been discharged into the harbor before. The agent replied that such action is illegal. Commission voted to refer the matter to town counsel. Agent will write a letter of sanction to the dredge committee.

LaCroix. *Continuation* Reid Silva was present for the applicant. Commission did a site visit. Property is full undesirables – the vegetation is very thick and 8 to 10 feet high. Work will be done in stages, according to a protocol outlined in the agent's notes. Brown made a motion to issue an order of conditions. Carlson seconded the motion. After initial cutting, applicant will undertake a survey of remaining trees.

Vineyard Golf. Rerouting plan. Continued to next meeting - no quorum as both Carlson and Vincent are abstaining.

Katama Farm. Jon Previant, executive director, said that the farm had been offered a very small, compact 1kw turbine as a gift. Windmill will be no higher than 18 feet. Mr. Previant noted that there are currently no energy saving devices on the farm. The Commission had no problem with the turbine, provided that it is located away from the neighbors.

Agent noted that the RFP for the silo-mounted cell tower will be published in two days. Brown noted that the RFP did not specifically state that all equipment must be housed inside the silo. The agent responded that this had been agreed to by everyone, and she would see that this is incorporated in the final document.

Meeting was adjourned at approximately 6:45 p.m.

Approved: _____