

MINUTES OF A CONSERVATION COMMISSION MEETING - 4 APRIL 2012

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

Absent: Edo Potter, Christina Brown

Staff: Lisa Morrison, Jane Varkonda

Public Hearings:

Wyner. *Determination* Addition and septic upgrade, Smuggler's Way. Doug Cooper representing applicant. Local bylaw only – work to take place within 100 feet of the 100-year flood. Stuart Lollis made a motion to issue a negative determination. Carlson seconded. Unanimously approved.

Zakaria. *Determination.* Install generator and trench for utilities. Richard Barbini representing applicant. [Carlson made it known that he works for the Oyster-Watcha Homeowners Association – there were no objections to him sitting.] Mr. Barbini explained that the lot is developed. The generator would be located 125 to 130 feet from the wetlands. A trench will be dug down the existing road to tie the generator into the propane tank. 99% of the work is in the driveway. Unanimously approved. A negative determination was issued.

Morey. NOI to construct a boathouse and associated utilities, North Water Street. Richard Barbini and Patrick Ahearn representing applicant. Boathouse will be located 80 feet from existing beach grass in the 100-year flood plain. Mr. Ahearn noted that the application was unanimously approved by the Historic District Commission. Proposal is for a 775 s.f. Mr. Ahearn said that the neighbors have concerns about the use of the building. He said that the structure will be used purely as boathouse. Mr. Ahearn explained that Townsend Morey, Jr. – who was present – is an avid fisherman. He said he often comes down and stays on his 33-foot cabin cruiser and needs a place to store his equipment. He said that Mr. Morey has testified that the structure will be used as a boathouse.

Mr. Ahearn said that the Gendells, who reside at 115 North Water, are in favor of the project. Mr. Ahearn said he also just learned that the building inspector has referred the project to the ZBA.

Mr. Barbini explained that the boathouse will be on town sewer, septage will be pumped either directly into the sewer or to the main house and then into the sewer. The foundation will be a standard frost wall foundation on either sona tubes or decking. There will be no habitable space in the structure.

Avakian asked what defines habitable space. Mr. Ahearn said that there is no insulation, no stove, no heat, and the interior is not finished. situation. It was noted that there is a bathroom with shower, and a kitchen like area with a refrigerator.

There were some questions about boat access. Mr. Ahearn explained that the structure would store small boats and some of Mr. Morey's 50 fishing rods.

Bob Hayman, an abutter, had many concerns. He asked what kind of oversight would be used to prevent the structure being used as habitable space. Mr. Ahearn replied that the Commission of the Board of Health could require a deed restriction.

Continued to next meeting, 18 April 2012 for site visit.

Flying O. NOI to remove existing dwelling, construct new dwelling, guesthouse, and pool. Doug Hoehn, Doug Cooper, and Peter Breese present for the applicant. Property was formerly owned by the Fleming family. House built in 1985 and several additions added later. Existing house is partially within the 100-foot zone. New structure would be 50 feet further inland and out of the 100-foot zone. View channels will be determined after the house is constructed.

Footprint of new construction, including guesthouse and garage would be 3600 s.f. The main house will be primarily one story, except the section over the garage will be two-story. Basement will be partially above grade and partially below. House will be at elevation 8 and 10.

Fergus Henderson, representing the Boldwater Homeowner's Association, said he received the plans just last night. He noted that generally the BHA reviews the plans before the Conservation Commission hearing.

Continued to the next meeting, April 18th, for site visit.

CONTINUATIONS:

Farview. NOI to create sandplain grassland & viewing stand, Butler's Cove.

Property is currently undeveloped – adjacent to the Stanton property. Doug Cooper representing applicant. Applicant would like to cut invasive brush to restore native grassland. Commission visited the site about a year ago. Applicant has been in discussion with the Nature Conservancy, who holds the CR on the property. Center portion of the site is invaded by multiflora rose, briars, and the like. Little bluestem and other native grasses are being crowded out below. Islands of thicket would remain, the intent is not to clear cut the area. Sides of the property would be left undisturbed. Natural Heritage has approved the project. . Viewing stand would be about 12 feet square and 6 or 8 feet off the ground and would be temporary. Province made a motion to issue an order of conditions. Lollis seconded the motion. Unanimously approved with conditions: No mowing within 25 of coastal bank or 10 feet of vegetated wetlands. Authorization is for one time mowing only, although walking path may be mowed annually.

Applicant to provide Commission with a copy of approval from the Nature Conservancy.

TTOR NOI to move 4200 feet of OSV trail 10 to 25 yards north at Norton Point. A report of the site visit was given. Mr. Kennedy noted that all nesting areas will be delineated prior to moving the roadway. Approval from Natural Heritage is pending. Agent suggested that their comments could be incorporated into an order.

Avakian made a motion to issue an order of conditions. Carlson seconded the motion. Unanimously approved.

MV Regency. Meadow restoration at Butler's Cove. Kara Shemeth and Carlos Montoya present for applicant. Revised planting list was submitted. CR is held by the town and TNC and requires that plantings be from native genetic stock. Currently there is no good source for island grown shrubs. Matt Pelikan at TNC is okay with using non-native stock in this instance, as it is his view that habitat improvement is more important than strict adherence to the provisions of the CR.

Other properties in the Herring Creek Farm Development, used plants collected from other Vineyard properties. Mr. Montoya likened this to robbing Peter to pay Paul.

After some further discussion, the Commission voted to approve the project, pending receipt of a letter from TNC saying that they are pursuing amending the CR so that non-native genetic stock may be used.

OTHER BUSINESS:

Malm. Enforcement order for unauthorized cutting, Slough Cove. Peggy Schwier, representing applicant. Ms. Schwier explained that Mr. Malm had an arrangement with Bill Bernard to do some mowing on the property and take out some dead viburnums. Ms. Schwier said that Mr. Bernard was overzealous in an attempt to please Mr. Malm. The agent said that she spoke with Matt Pelikan of TNC, who hold a CR on this property, and that a letter from TNC's attorney will be sent to Mr. Malm. The agent noted that the cutting occurred on a couple of acres and is the second major violation on this property.

Vincent suggested talking to town counsel about permanent injunction.

Agent noted that the next step is to do a site visit and have the applicant devise a restoration plan. Any restoration planting will likely be done in the fall, as it is almost too late in the season to begin. Ms. Schwier noted that nothing had been dug up. The agent suggested involving Ed Sylvia in the project, as he was in charge of the earlier restoration.

Continued to next meeting for site visit and restoration plan.

Strauch. Violation by Woods Hole Group. Unauthorized storage of material on town property. Agent recommended fining the Woods Hole Group. Unanimously approved.

Farm Institute. Agent reported that the FI needs to replace the metal roof on the milking barn. It was suggested that they apply for CPC funds.

Agent mentioned that she had received an inquiry from a woman who would like to set up a food truck at the farm to cook farm food. Such a use would require a special permit from the zoning board.

Agent updated the Commissioners on the current bids from cell phone providers, who no longer want to house their equipment in the existing silos. They are proposing to build a 20 x 35 building to house the equipment. It was suggested that ATT build a house for the farm manager and store their equipment in a portion of the house.

Commission authorized the purchase of additional speed bumps for Aero Avenue.

There being no further business, the meeting adjourned at 6:45 p.m.

Approved: _____