

Minutes of a Conservation Commission Meeting - 20 June 2011

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

Absent: Edo Potter

Staff: Jane Varkonda and Lisa Morrison

Michael Donaroma met with the Commission with a proposal to hold plant sales out at the Waller Farm a couple of times a year. He said that his program has been very successful, and they are growing a lot of plants from local seed. He said he envisions holding yard sale-like events a couple times a year, with reduced prices and Charlie Brown plants. Mr. Donaroma said that he would donate 10% of the proceeds to the Beautification Committee or the Boys and Girls Club. Brown said she would like to see some educational signage about the Waller Farm and native plants. Mr. Donaroma said he would get his wife on it.

Clearbrook Realty Trust – Barnes. NOI to install a seasonal float parallel to the L at the end of an existing pier. Richard Barbini representing applicant. Float would be in two sections, a total of 5' x 28'. It would connect to an existing spile. Marine Advisory Committee continued the matter to their next meeting, June 27th, for a site visit. The Commission did not believe a site visit was necessary, as they are very familiar with the site. There is between 2 ½ and 3 feet of water at the end of the pier, after the dredging. Floats will be removed on a seasonal basis and stored either off-site or in an upland location. Commission moved to issue the order of conditions, pending approval from the MAC. Conditions to include: no white caps, no water or electricity to float, no rafting of boats.

Pohogonot Trust Request for a determination of applicability to install two gates and plant 24 white pines for screening. Kristen Reimann present for the applicant. One of the gates is outside of the Commission's jurisdiction. Gate will be 10-feet wide and constructed from white cedar. There will be no metal in the gate, so firetrucks could get to the site, if necessary. The gate is to secure the site while the house is under construction. No trees will be removed to plant the white pines. Pines will be between 10 and 12-feet in height, and will be planted in the fall. Commission voted to issue a negative determination of applicability.

Rankow Continuation. Richard Barbini asked to amend the application to add an additional spile to the original request for one. With the two spiles that Mr. Rankow already owns, that would bring the total up to four. The MAC has given verbal approval for the proposal, with the understanding that any boat would be moored between the four spiles.

Ellen Kaplan, attorney for the Reed's, said that the MAC determined that the harbor plan recommendations did not apply to spiles, only to piers. Ms. Kaplan said that what Mr. Rankow is doing is creating a slip, which could change the sand circulation in that area and cause a build up of sand. She said the Reeds were very concerned about navigation

issues in that tight area.

Mr. Barbini noted that Mr. Rankow's boat is already in place; the addition of two spiles would make it a safer situation. He said that the Vietors' sold the two spiles to Mr. Rankow, they must have expected that he would use them.

David Vietor said that prior to selling the property they were in touch with DEP, asking what they could do with the bulkhead. They were told that they could do nothing. He said that Mr. Rankow has installed conduit for electricity and water. He said he is concerned about the safety of this installation. Mr. Rankow has also installed several cleats on the bulkhead. Mr. Vietor also submitted a plan showing an additional pile that is located to the SW of the end of his pier. He said they tie a 15' boat on the pile on a ten foot pennant. The plan indicated the radius of the boat's swing when tied to the pile. He said that this is just another factor complicating navigation in this area.

George Davis, attorney for the Vietor's, had a number of concerns as well. He questioned whether or not the jet drive on Mr. Rankow's boat would undermine the bulkhead. Mr. Vietor said that the major problem is the size of the boat – 38-feet is too big. He said a 17-foot boat would not cause navigation issues.

There was further discussion about the private agreement between the Vietors' and the Rankows' at the time of sale, and how it should be interpreted. The Commission said that those issues were not relevant under the wetlands protection act.

Brown suggested that the hearing be continued to the next meeting, 11 July, in order to ask the MAC for specific input on navigational issues. Motion was seconded and unanimously approved.

Mr. Barbini asked to withdraw the application for the landing at the base of the bulkhead. In its place, Mr. Barbini said that his client would like to place a ladder over the bulkhead in order to make safer boat access. He said that the ladder will be removable. He will bring plans to the next meeting.

Rankow After-the-fact approval of landscaping plan. Richard Barbini, Patrick Ahearn, Michael Donaroma, and Norman Rankow all present. Mr. Davis and Ms. Kaplan were also present for the Vietors and the Reeds, respectively. Mr. Vietor read a letter explaining his problems with the current plan. The 14-16 foot arborvitae that were planted along the property line completely block light and prevent air from circulating on that side of the Vietor home. He said he is concerned that this will cause a mildew problem on the exterior, and a mold problem in the interior. He said the trees currently go up to the middle of the second story windows, and that they will grow higher. He said that there was no notification and no chance to comment or compromise. Mr. Vietor said that he understands Mr. Rankow's desire for privacy, and that the Vietor family has applied to the HDC for a 6-foot fence to go along their property line all the way to the bulkhead. Mr. Vietor asked that there be an 8-foot height limit to the vegetation, which would provide privacy for both parties and not impede air circulation or light.

Mr. Vietor commented that there were additional issues with the landscape plan, such as the impact on an Access Easement between the two properties. Mr. Vietor asked that the board direct Mr. Rankow to remove the trees immediately, as they were planted without a permit, and not to allow any replanting until their fence has been installed.

Both Brown and Vincent commented that the majority of issues brought up by the Vietors are not under the Commission's jurisdiction: public views and vistas do not seem to be impacted, neither does storm damage prevention or prevention of pollution. Mr. Davis agreed that the issues were not wetlands related, but said that the plantings could cause significant damage to the house. He said he doesn't think everyone has an absolute right to do whatever they want.

Mr. Ahearn pointed out that Mr. Vietor's house is 32-feet tall and within 6-feet of the property line. The windows of Mr. Vietor's house look directly down into Mr. Rankow's bedrooms and pool area.

Avakian made a motion to approve the landscape plan as presented, saying that he does not believe that the plan will have a negative impact on the interests protected under either the Mass Wetlands Protection Act or the local bylaw.

Carlson seconded the motion, and voted to approve the plan. He said that he found it unfortunate that the plan was not presented prior to planting, and that it is hard to say what the Commission would have done had this been submitted in advance. He said that generally the Commission only regulates the size of plantings when public views are impacted, or when they issue a restoration order is issued. He said that he too believed that the issues were private ones between the abutters. Vincent and Province also voted to allow the plan. Brown and Lollis voted to deny. Lollis said that he is bothered by the fact that the project came to the board as a 'done deal.' Motion carries, 4 – 2.

Beams. Continuation. NOI to partially demolish a residence and construct an addition, Dow's Pond. George Sourati representing applicant. A report of the site visit was given. Water-side elevations were reviewed. Mr. Sourati explained that there will be no additional foundation – the additions will all be built on piers. House is below the 26-foot height limit. Carlson made a motion to approve the project as presented. Province seconded. Unanimously approved with conditions: outdoor lighting, trim color to be submitted, landscaping plan. Agent asked for a signed and stamped site plan.

Kumpitch Determination of applicability for path to beach access road. Board voted unanimously to issue a negative determination. Richard Knight, agent for Mr. Kumpitch, was not present for the discussion.

Brown commented on the site visit, relative to the restoration order. Kumpitch has complied with the required payments to Sheriff's Meadow. The approximate bounds of Mr. Kumpitch's property where it meets Ocean Avenue were reviewed at the site visit. Mr. Kumpitch believes he has the right to clear the common area of Ocean Avenue. The

Commission asked that he provide documentation to support that claim. Currently, no cutting in that area is permitted under the terms of the restoration order. Vegetation should be allowed to grow back, and will be inspected again in the fall. .

Watts Reid Silva present as agent for Mrs. Aldrich, who would like to trim an additional wedge of vegetation. Agent is in favor of the plan, and will be on site when the work takes place. Mr. Silva will get a letter of authorization from Mr. Watts for the file.

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

Approved: _____