

Minutes of a Conservation Commission Meeting - 11 July 2012

Members present: Vincent, Province, Brown, Lollis, Carlson, Avakian

Absent: Potter

Staff: Varkonda & Morrison

Public Hearings:

Clearbrook (Barnes) - OC for dredging done without permits in January 2012. As part of the administrative consent order between the town and DEP, the state is requiring the applicant to apply for an order of conditions for the work that was done. Brown said she was concerned about issuing an order of conditions for the work, as the dredging could have disturbed adjacent shellfish beds.

It was suggested that if the Commission chooses to issue an order, it could be limited to the dredging that already occurred. There would be no maintenance provisions, and any additional dredging would require a new notice of intent.

Vincent suggested that the Commission vote to censure Norman Rankow, Barnes, and the former dredge committee. The Commission voted unanimously to issue the order with the above conditions.

Rankow Amended notice of intent to add an access ladder to the existing bulkhead. Barbini requested a continuation to the next meeting, July 25th. Ellen Kaplan, attorney for the Reeds, said her clients would be unavailable on the 25th and requested a continuation to 8 August. Mr. Barbini agreed on behalf of Mr. Rankow. Continued to August 8th.

Malm. Ed Sylvia was present to update the Commission on the progress of the restoration. Mr. Sylvia said he was shocked when he saw the condition of the property. Mr. Sylvia was called in several years ago, when Mr. Malm first bought the property from Mr. Cimmino. At that time, Mr. Cimmino had rototilled the property all the way down to the pond. Mr. Sylvia was in charge of the restoration and replanting. He said he was dismayed to find many of those plants had been completely cut down. DEP is holding an on-site meeting on the property tomorrow. Mr. Sylvia said he has all the original plant lists from the previous restoration. He said that there is extensive damage on the site that needs to be fixed. Mr. Malm has given the okay to do what is necessary. The work, once again, was done by Billy Bernard. The agent pointed out that the cutting was also in violation of the existing conservation restriction held by the Nature Conservancy. Mr. Sylvia said he was disappointed that everything was mowed down. He said the site still looks bad from work done in November.

Vineyard Golf (Carlson abstaining) Final location of the cart path was reviewed and approved.

TTOR Relocation of the OSV trail to Norton Point was approved. Agent explained that when the town relocated the bath houses there was too much traffic and pedestrian congestion in the area. New path location will be away from the wetlands and will require no excavation. Unanimously approved.

OTHER BUSINESS:

Carlson said he left the last meeting upset about the disposition of the Rankow landscaping project. He said that in retrospect he thought the Commission should have told Mr. Rankow to remove the trees, and then apply for them. Mr. Carlson said he thought there was too much of the “do it and ask forgiveness later” going on. Approving projects after-the-fact, he felt, is not respecting the process.

Avakian asked about fines. The agent said that the Commission has the ability to impose up to \$300 per day per violation (noncriminal disposition). She said that usually the amount of money needed to restore a property is far greater than any fines the Commission could impose.

Carlson said that fines may have been appropriate in this case, as it was unauthorized planting as opposed to unauthorized removal. Agent will research additional options, including censure of landscapers and

Farm Institute and AT&T. There have been some communications issues between the FI and AT&T. The FI would like to deal directly with AT&T. This will be on the agenda for the next meeting. Vincent said he thought it was important to schedule some deadlines, so the project is not stalled.

Agent/Assistant to review the lease with Katama Farm and begin process of removing silos from the lease.

There being no further business, the meeting was adjourned at 6:00 p.m.