

Conservation Commission Meeting – 22 August 2012

Members present: Bob Avakian, Stuart Lollis, Christina Brown, Lil Province, Jeff Carlson

Absent: Peter Vincent – Chairman, Edo Potter

Staff: Lisa Morrison, Jane Varkonda

PUBLIC HEARINGS: (continuation)

Norman Rankow and attorney Daniel Perry, were present to discuss on-going landscaping issues on the Down Harbor property. Mr. Rankow noted that he submitted an amended landscaping plan at the last meeting, which was continued pending approval from the Historic District Commission (HDC) and for DEP. Mr. Rankow said that the fence application has since been withdrawn and he will reapply to the HDC.

Mr. Perry said that his client has worked very hard to try to appease his neighbors. Mr. Perry said that he believes there was a violation of the open meeting law and that the board can not impose conditions that were not discussed at an open meeting. Mr. Avakian commented that usually the applicant waits for a signed document before proceeding with a project.

Mr. Rankow said that he agreed to keep the hedge at 8-feet on the Vietor side, but is now not ready to give up any rights. Mr. Carlson pointed out that there were stated heights on the approved plan – 4 to 8 feet. There was a misunderstanding between the applicant and the Commission as to what 4 to 8 feet connotes. The Commission maintains that it means that the hedge will be maintained at a maximum of 8-feet. Applicant maintains that it was intended to mean the height at which the hedge is planted. There was discussion about whether or not the Commission had jurisdiction over the height. Mr. Rankow maintains that the Commission acknowledged at the meeting that they did not. Mr. Avakian said that he remembers it differently – and that he remembers making the motion. The height of the privet was determined to be within the Commission's jurisdiction, and a matter of public vista - while the height of the arborvitae further up from the water was determined to be a private matter.

The issue of the gates was then addressed. Mr. Rankow said that the Commission's concern over the gates came as a surprise, and asked if gates were generally considered a wetlands issue. Brown said that any structure within 200 feet of a resource area is in the Commission's jurisdiction and, in addition, the gates also need prior approval from the HDC. Brown said that the Commission usually waits for HDC approval before issuing an order of conditions.

The issue of the bulkhead was then brought up. Rankow said that after discussions with the building inspector, it has been determined that in order for the fence to be 'pool compliant' it must go to the edge of the bulkhead to prevent access to the pool from someone walking on the bulkhead.

The removal section of the fencing to allow Vietor access was acceptable to the Vietors.

Brown asked if DEP has ruled on the bulkhead fencing. Mr. Barbini said that DEP is waiting for Commission approval, at which time they will make a determination as to whether or not the fence can be rolled into the bulkhead license.

Joe Fornes maintained that the bulkhead is a separate issue and can not be used as pool compliant fencing.

Mr. Barbini said that whether or not the bulkhead is adequate is the building inspector's call.

Ellen Kaplan objected to the fact that everything is being done in a piecemeal fashion and that no one has seen a complete plan.

George Davis, said that he had a discussion with Lenny this afternoon and was told that the bulkhead is not sufficient. Louise Oliver noted that the bulkhead is only 19 inches above mhw, which is not high enough for a pool fence. Rankow would need to put a fence on top of the bulkhead to bring up the height.

Mr. Davis said that the fence could be built closer to the pool, it need not be on the bulkhead.

Rankow said that he has not yet talked to Lenny about this most recent determination. He said he is currently asking for approval of the landscape plan submitted on July 25th and amended on August 17th.

The discussion then shifted to the Reed side of the property. The agent noted that the original plan had specified a 6-foot hedge on the Reed side. Mr. Rankow said that was a typo he corrected. The hedge had always been between 7 and 8 feet and no changes are proposed. Rankow said that there is an existing 8 foot hedge to the stone wall and plans to continue the hedge to the arbor and on to the corner of the building.

Also proposed is demolishing the old asphalt drive and putting in cobblestones and grass tracks. Old fencing will be removed and replaced with privet to be maintained at 8 feet.

Mr. Rankow said that he removed the utility box per the Commission's instruction. He said that he is aware that he needs Chapter 91 approval, but would like the Commission's approval for it regardless. He said he would also like approval for the existing lawn to remain, to restore the lawn in the vicinity of the rebuilt pool, and to reconfigure the irrigation system. He would also like to restore the area closer to house where two structures were removed.

Ellen Kaplan, attorney for the Reeds, said she found the typo discussion disturbing. She noted that in addition to everything else, the bluestone patio was installed without approval. She noted that the plan was amended again, which is not in compliance with accepted procedure. She said she would like to request that the plan be presented at meeting with time for public comment. Mr. Perry said that the new changes are very small details.

Mr. Donaroma reiterated that the hedge on the Reed side is not being changed.

Peter Wiseman said that he would like to see a new plan for the bulkhead and be allowed to comment. Mrs. Wiseman asked why Mr. Rankow's boat is still docked in front of the bulkhead. Brown said that was not the Commission's issue.

Mr. Donaroma said that he needs to put in sod and irrigation as the disturbed areas of the lawn are currently leaching dirt and mud into the pool.

It was suggested that the bulkhead and fencing could be part of a revised application.

Joe Fornes said that a plan where there are omissions can not be approved. Daniel Perry disagreed.

Lollis said he was sympathetic to the erosion issue and proposed that the Commission approve the installation of the sod and the irrigation system. Carlson asked if Mr. Rankow agreed to the maximum hedge heights of 8-feet.

Rankow said that he would not agree to limit the height of the hedges without also securing approval for the fencing. He said he can't keep getting ping ponged back and forth between boards. Brown reiterated that the Commission doesn't approve structures in the Historic District prior to the HDC.

Lollis made a motion to approve landscaping on the property as presented on the upper portion of the property, i.e. not including the bulkhead or any fencing requiring HDC approval. Included are: irrigation, sod, flower gardens, arbor, pedestal for power and water, extension of bluestone patio, replacement of asphalt with cobblestone tire tracks with grass median, removal of existing gates and fences on the Reed side, addition of cedar arbor with pool gate, and continuation of the privet on the Reed side from existing stone wall to corner of the house. Province seconded the motion. Unanimously approved.

Vineyard Golf Club (Jeff Carlson abstaining) Revised CR has been reviewed and approved by town counsel. Province made a motion to approve the CR. Lollis seconded the motion. Unanimously approved by all voting members.

Meeting adjourned at 6:30 p.m.

Approved: _____