

## Minutes of a Conservation Commission Meeting - 26 September 2012

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

Absent: Edo Potter

Staff: Lisa Morrison & Jane Varkonda

MARIANO - Earl Ave. Tom Carberry of Sam Sherman & Associates representing applicant. Project involves the renovation and minor addition to an existing residence – including the installation of new foundation piers and a new roof. They are hoping to save most of the existing floor system. Work will be almost entirely within the existing footprint. The intent is to raise the house and install the new foundation piers, and rebuild the house so that it is compliant with the floodplain regulations. The entire property is in the shore zone. Applicant would like to remove two small bedrooms and place them further back on the property.

Mr. Carberry noted that the additions will amount to less than the 10% allowable increase and that the number of bedrooms and plumbing fixtures will not change. Mr. Carberry explained that the house needs some work, and the additions will enhance but not substantially change the living space. Mr. Carberry submitted photos and computer renderings illustrating the proposed changes. He commented that the existing roof deck will be removed. The addition will be a foot below the railing of the existing roof deck.

The house will be reconstructed with breakaway walls. There will be no foundation, just a 5-foot crawl space with a dirt floor. The house will be trimmed in cedar, left to weather. Decks will have a cable system, which will make them less visible than if they had traditional railings. Work will be done within the existing footprint, no additional areas will be disturbed. No additional landscaping is proposed as part of this application. Brown commented that the owners might consider allowing some of the property to revert back to wetlands.

After some further discussion, it was decided to continue the hearing to the next meeting, 10 October, and schedule a site visit.

EBERSTADT - Off Plantingfield Way. Gwynneth Smith present for the applicant. Maintenance permit to trim invasive vegetation such as chinaberry, privet, and russian olive. Ms. Smith said that the area had been a field, but that it has been allowed to grow up. The area she would like to have trimmed to restore views borders the road. Currently the vegetation has grown to 8-feet; she would like to trim in down to 4-feet. Lollis commented that the area really does need to be trimmed. Lollis make a motion to approve the project with the following

conditions: all work is to be done by hand, agent will supervise the cutting in the field, maintenance permit – in effect for five years and may be renewed. Avakian seconded the proposal. Unanimously approved.

McCOURT - Chappaquiddick Road. Request for a determination of applicability to construct a 10 X 14 bike shed. Mark Ellis & Bob Stafford were present for the applicant. Agent had some concerns that some excavation into the coastal bank would be necessary if the shed is to be built according to the submitted plan. She noted that this is not allowed. Continued to 10 October for site visit.

JOB'S NECK TRUST - Pohogonot. Construction of a new, single-family dwelling, pool, and related site activities. Joanne Gosser, Kristen Reimann, & Tom Wallace all present for the applicant. Site is approximately 25-acres, adjacent to the Kohlberg, Flynn, and Levine properties. Lot is currently vacant land, primarily wooded with oak and pitch pine. There is an existing cleared area on the property, where fill was stored in the past. This area is sandy, and contains some invasive vegetation. There are existing walking trails and sheep paths, which the applicant would like to maintain. In addition to a main house, the proposal calls for the construction of a car barn and a pool house. Approximately 5.3 acres will be developed, the rest will be placed under permanent restriction. The project is currently under Heritage review, however it is clear that a portion of the property will be managed for moths. In addition, there are several restrictions already on the property such as no subdivision and enhanced buffer zones. No view channels proposed.

Mr. Wallace noted that Natural Heritage favors some canopy removal, which the applicant is hoping can be done over a 3 to 5 year period. Applicant will file for this work when negotiations with NH have concluded.

The only clearing proposed as part of this application will be for construction of the buildings and maintenance of walking paths. At present, there are no elevations, applicant is looking for approval of a development envelope. Septic system will be a pump-type system. Mr. Wallace reported that the applicant is in the process of evaluating alternative energy systems, but will not be installing any kind of wind turbine as it would be too visible. Continued to 10 October for a site visit.

BRESSLER – View channel maintenance, Oyster Pond. Doug Cooper representing applicant. House was built back in '97 and two view channels were approved at that time. Mr. Cooper noted that the lot is a model of good environmental management with a limited lawn and native plantings. The two view channels have grown in quite a bit, and need some maintenance. Brush has come up between 6 to 8 feet, along with invasives such as sumac and cherry. Proposal would limb to six feet and cut down the invasives in the channels in order to encourage the native viburnum and blueberry. No pruning

has been done since 1997. Brown said that the proposal seems fairly straightforward. She suggested that the agent visit the site and report back at the next meeting. Continued to 10 October.

GESUALDO – Extension of existing pier and addition of spile, off Caleb's Pond Road. Richard Barbini representing applicant. The existing pier is licensed and this proposal has been approved by the MAC. Pier will be extended another 25', a 25' L will be added perpendicular to the end and a 25' float will be added inside the L. An additional spile will be installed as well. Float will be stored in an upland location. 5 foot depth at low tide at the end of the pier. Avakian made a motion to approve the project as presented. Province seconded the motion. Unanimously approved.

RANKOW - Richard Barbini presented a plan for fencing recently approved by the HDC – after four meetings. The plan calls for fencing only along the sides of the property, with a 3-foot section that will extend over the bulkhead. Mr. Barbini said that at a recent meeting with the Building Inspector and the state, a determination was made that the existing bulkhead satisfies the requirements for pool-compliant fencing, consequently no additional fencing across the front of the property is proposed. The state overturned the Building Inspector's original interpretation that the bulkhead was not sufficient in itself.

Fencing will stop at the water side of the bulkhead and will be painted Essex green. Fence will be anchored to the bulkhead. Barbini acknowledged that this will need the approval of Andrea Langhauser of DEP Waterways. He has requested a minor modification to the pending license.

Attorney Davis commented that the state only gave an informal opinion at the recent hearing in Taunton. He said that a verbal opinion means nothing. He noted that after the opinion is issued, there is a 30-day appeal period. Mr. Davis commented that there is no written approval from the HDC either.

Joe Fornes said that he believed the Commission had determined at an earlier meeting that no action should be taken until the license for the bulkhead was issued. Mr. Barbini said that they can't get a license until they have an order of conditions from the Conservation Commission. He said it is a catch 22, and the process has been going on for 6 months. He reminded the board that the issue before then is approval of two 12-foot fences.

John Reed had questions regarding access by service people to the pool and for landscaping. Mr. Reed wanted assurance that the access by the bulkhead would be used only for emergencies, not for routine service. Bulkhead access through the fences for the Vietors would be limited to major construction projects or emergencies.

Mr. Fornes raised a number of additional concerns about use of the bulkhead.

Mr. Barbini said that he is aware that he needs to return to the Commission for any water-dependent usage of the bulkhead. He said that there are no bulkhead issues before the board other than 3-feet of fencing.

Mr. Carlson made a motion to approve the fencing as presented. Conditions include: no installation prior to written approval from the Historic District Commission, formal documentation of the state's ruling that the bulkhead is sufficient for pool compliance, and approval of the minor modification from DEP Waterways. Fence access will not be used by Mr. Rankow for routine property maintenance. Avakian seconded the motion. Unanimously approved.

[Lollis leaves the meeting]

SCHIFTER. Request for an emergency permit to install 320 feet of coir log coastal bank protection system. George Sourati, Rick Schifter, and Sterling Wall – Coastal Geologist, were present. Erosion has been occurring at an alarming rapid rate, and appears to be increasing. Currently Mr. Schifter is losing almost a foot a day. The coir logs will be installed as deeply as possible and secured with a helical anchor system. [Details are in the file]. Work will be done by Netco Management, who has already begun bringing materials to the site. Brown was concerned about possible debris. Mr. Sourati said that they are proposing a strict monitoring, maintenance, and management plan – including an escrow account.

Richard Knight spoke in favor of the project, and said that this project may help prevent a catastrophe for the Schifter family. Peter Wells also spoke in favor of the proposal.

The agent asked how materials will get to the site. Mr. Wall explained the details of the temporary access sketch plan and plans for revegetation. The agent noted that details of the escrow are being worked out with town counsel.

Carlson asked how much time the project would buy. Mr. Wall said that he is optimistic that the inlet is closing, but noted that it will take time to restore the movement of sand. He said that a sand bar is developing. The applicants are also investigating the possibility of moving the houses.

Mr. Sourati noted that the emergency permit is just to install the logs, and said that he is aware that they will need to file a NOI within 30 days. There is no maintenance as part of the emergency permit. Brown made a motion to approve the emergency permit with the understanding that the maintenance phrase will be removed from the request. Unanimously approved.

FARM INSTITUTE - Jon Previant was present to ask for support for a CPC application to repair the roof on the original dairy barn, east of silos. He said that the current roof leaks, and some rafter repair is necessary. They are proposing to install a corrugated metal roof. Unanimously approved.

DAVENPORT - Phyllis McMorrow. Restoration update was approved, as was new paint color for the trim. Lawn has been replaced with blueberries and other native vegetation and replanting in the view channels has begun. A final status report will be submitted in one year.

CPC Members voted to appoint Stuart Lollis as their representative on the CPC.

There being no further business, the meeting was adjourned at approximately 7:15 p.m.

Approved: \_\_\_\_\_