

Final

May 7, 2014

Conservation Commission Meeting Minutes

Town Hall

Attendees: Terry Gips, Ginie Page, Lauren McKean, John Portnoy, Ed Simpson and

Regrets: Trudy Vermehren and Cary Rea

4:00 - Business Meeting & Conservation Agent's Report

Wesley Swamp: John Portnoy stated he, Cary Rea and Ginie Page attended a hearing with DEP representative Gary Makuch regarding the Amsler property on Main Street. Makuch was concerned about the pumping of water at Wesley Swamp. Agent Greenberg-Lemos stated she looked through some old files and determined the pump was permitted by the town several decades ago. John Portnoy stated he subsequently consulted with experts (hydrologists) who suggested that the pump was likely draining the wetland but having no effect on local groundwater or any wastewater disposal facilities. To test this idea, it was recommended that observation wells be installed so that water levels in the swamp and in the groundwater could be monitored with and without the pumping. . Since Preservation Hall is on town property, an observation well could be installed there. Agent Greenberg-Lemos would like to invite abutters to the June 18 meeting and explain the concerns of the Conservation Commission and to ask for their cooperation in assessing the need for the pump..

Indian Neck: Terry Gips, John Portnoy and Agent Hillary Greenberg-Lemos met with the Shellfish Advisory Board who approved the Conservation Commission plan to install friendly signage restricting vehicle access and providing directions for parking. Agent Greenberg-Lemos will forward the information to the Town Administrator to be put on a Board of Selectmen's meeting agenda.

Kayak Racks: Agent Greenberg-Lemos reported the racks for Mayo Beach are completed. On May 23, additional racks will be built at Indian Neck. Fencing will be installed at several of the ponds. Agent Greenberg-Lemos stated a sign needs to be installed at Pleasant Point regarding the requirement for stickers for kayaks/canoes.

Bench installation at Hamblen Park – Agent Greenberg-Lemos recommended hiring a contractor to install the benches. There are problems with watering the trees which were recently planted. John Portnoy suggested Americorp install a water well. It was suggested young people from the local school volunteer to water the trees.

Mayo Creek Restoration: John Portnoy attended a meeting with NRAB chair John Riehl, Wastewater Committee chair Curt Felix and Agent Greenberg-Lemos on planning next steps for improved management of diked Mayo Creek (west branch of Duck Creek). It was agreed to recommend that the Selectmen appoint an ad-hoc committee to get the project back on track. Tom Cambareri, hydrologist at the Cape Cod Commission, attended and advised the group on groundwater effects and monitoring.

Jurisdictional Opinion: Morgan, 60 Arey Lane – remove trees: Agent Greenberg-Lemos made a site visit and she stated the work has minimal effect on the resources. Ginie Page moved to approve the Jurisdictional Opinion; seconded by John Portnoy; passed 4-0.

Agent Greenberg-Lemos distributed literature provided by the Martha's Vineyard Board of Health regarding their proposed fertilizer management regulations for the Commission to review.

Mail: Letter for acquisition of 6.97 acres for Conservation Trust located on Chequessett Neck Road.

E-mail to Agent Greenberg-Lemos from Mark Gabriele stating he reviewed the 4/2/14 meeting minutes and he supports the Commission's efforts of maintaining resources at Wesley Swamp with respect to activities behind Preservation Hall.

Miscellaneous correspondence to Agent Greenberg-Lemos

MSCC (MACC?)– quarterly report

Public Hearings 5:00 pm:

Berliner, 305 King Phillips Rd., Map 35, Parcel 197, NOI, remove pitch pines and re-vegetate (Cont'd). George Riley and Frank Corbin presented a new plan identifying the corridors, guaranteed that no work would occur within 15 ft of the bank, and identified the pine tree removal and proposed pruning. Plant material was identified. Site access was identified. The Commission stated the number of trees being removed/left were not indicated. The turtle area was identified by Bob Prescott on the plan. After a lengthy discussion, Terry Gips moved to approve the NOI with conditions that there be a 70% survival rate, plants to be documented for survival of health after one year, and again after two years, Area C to be pruned only, additional plants will be required to achieve a 70% survival rate, and all plants identified on the plan dated 4/24/14 will be planted; seconded by Ed Simpson; passed 5-0. Lauren McKean supervisor

Boehringer, 10 Bay View, Map 35, Parcel 33, Certificate of Compliance. Agent Greenberg-Lemos stated the project is in compliance. Ed Simpson moved to approve the Certificate of Compliance; seconded by Ginie Page; passed 5-0.

Deck 2, 1780 Rte. 6, Map 29, Parcel 1, Certificate of Compliance. Agent Greenberg-Lemos stated this was completed and in compliance. Ginie Page moved to approve the Certificate of Compliance; seconded by Lauren McKean; passed 5-0.

Eisinger, 70 Indian Neck, Map 28, Parcel 50, RDA, removal of invasive plants and replanting native plants. Jennifer Exner of Wilkinson Ecological Design Inc. stated this is similar to a previously approved RDA by abutter at 60 Indian Neck. John Portnoy would like to see the aspen, which is native and provides wildlife food and cover, remain; however, Exner explained that much aspen will remain.. It was determined that the resource is not a coastal bank. Ms. Exner stated there will be minimal change to the resources and little room for replanting. Debris will be removed by hand. Portions of the property are within the flood zone. John Portnoy identified this as a Negative 2; seconded by Ed Simpson; passed 5-0.

Marco Investments, 60 Ring Rd., Map 41, Parcel 94, RDA, Convert 2 story deck to finished room on 1st floor and 2nd floor deck. Tim Brady represented the applicant and stated the work will be within the existing deck with 3 concrete piling supports.. He stated there will be no new disturbance to the resources. Ed Simpson moved to identify this as a Negative 3; seconded by John Portnoy; passed 5-0.

Berezin, 30 Wigwam, Map 35, Parcel 135, AOOC. David Lajoie represented the applicant and stated during construction, it was determined the existing foundation would not support the new construction. The commission was not aware that the dwelling needed to be, and was infact, demolished. The new foundation and building will be within the same footprint. Terry Gips stated there were modifications at the ZBA meeting on the construction. Ginie Page stated according to our current bylaws, any new construction would have to be outside of the buffer zone; but the current plan shows that the deck will be within the buffer zone. No deconstruction protocol was submitted. Lajoie stated the foundation will be removed and there will be no need for a dumpster. Terry Gips had asked for fencing to be placed for a work limit which was done. The Commission is looking at this project as new construction and requested additional paperwork. Carl Treachman, abutter, stated he is concerned with the amount of work and stated he would not endorse the project and Agent Greenberg-Lemos recommended he send a letter to the Building Inspector if he has concerns. There was discussion regarding the access to the property, a new driveway location, and Manny Heyliger, builder, stated a demolition permit was issued by the town and the plan was submitted to the Board of Health. David Lajoie requested a continuation so he may provide the additional paperwork required. Terry Gips moved to continue to May 21, 2014; seconded by Ed Simpson; passed 5-0.

Bruce/Stearns, 105 5th Ave, Map 40, Parcel 52, NOI, construction/renovation within 100' buffer zone. David Bennett represented the applicant and stated the work will be 25' within the 100' buffer zone. There was discussion regarding the decking and the proposed replanting of vegetation. The commission was impressed with the quality of paperwork, the presentation, and current management of vegetation within the buffer strip. Natural Heritage has not responded; nevertheless, the commission stated that the applicant would not have to return. Accordingly, Lauren McKean moved that the NOI be approved on the condition of Natural Heritage's response; seconded by Ed Simpson; passed 5-0. Supervisor: Ed Simpson.

Limbach, 599 Chequessett Neck, Map 19, Parcel 119, NOI, addition (8.17' x 2.29'). Chet Lay represented the applicant, stating there will be concrete footings, a silt fence installed and gave an overview of the construction protocol. John Portnoy stated that the silt fence was unnecessary. John Portnoy moved to approve the NOI; seconded by Ed Simpson; passed 5-0.

Terry Gips moved to adjourn at 7:00 pm; seconded by Lauren McKean; passed 5-0.

Respectfully submitted,

Christine Bates, Committee Secretary