

MINUTES

Tuesday, January 12, 2016
Oak Bluffs Conservation Commission
4:00 pm - Town Hall

Members Present: Terry Appenzellar, Ron Zentner, Joan Hughes, Penny Hinkle

Others Present: Mark Barbadoro, Tracy Smith, Kate Briody, Marsha Graham, James Ciciora, Chris Alley, Wesley Brown, Chuck Sullivan, Elanie Roriz, Tom Zinno, Cassandra Matthews, John Lolley, Reid Silva, Sean Murphy, John Murray, Richie Combra

Gray - Park Street

Ms. Appenzellar stated that trees have been cut to improve the view. She stated that they could be East Chop Association trees. Ms. Durkee stated that Mr. Gray only had permission to remove invasives and dead vegetation.

King – NOI for construction of a single family dwelling at Windemere Road, Map 6, Lot 46.2

Mr. Barbadoro asked why the shore zone delineation did not begin at the inland edge of the wetland as opposed to the salt marsh. Mr. Alley stated that the shore zone is 100 feet inland from the wetland indicator species. Ms. Hughes stated that based on the coastal district bylaw definition the project would be in the shore zone and thus the site is not buildable. Mr. Barbadoro stated that a house is not an allowable use in the shore zone. Ms. Durkee stated that if the project is in the shore zone and thus not buildable then why would the Con Com review it? Ms. Hughes stated that the Commission will not deliberate on a project that is not buildable. There was discussion about withdrawing the application or continuing the hearing to review a new wetlands/shore zone delineation. A motion was made by Ms. Appenzellar and seconded by Ms. Hinkle to continue the hearing to February 2, 2016 at 4:00 pm. All voted in favor.

Roriz – NOI for the renovation of an existing structure and related site work at 8 School Street

Mr. Sullivan stated the following:

- The plan is for a vodka distillery
- He knows there is Con Com concern about parking and he will come back to the Con Com for that issue
- The project will have much less impact than what is there now, 40 cars and busses
- There will be a small tasting room with limited hours and parking for 12-15 cars
- The plan is to clean up what is there, keep the ramp and clean it up, clean up the landscaping and façade, put in new windows

- The footprint/square footage will not change; the use will change but be less impactful
- The wetlands delineation was done by Doug Cooper in March 2015

Commission comments included:

- The building inspector stated that the zoning bylaw must be changed at town meeting to allow this use
- Due to concerns about the site a more rigorous application will be needed
- Concerns include junk removal and possible soil contamination
- There is a need to understand the business of a distillery – they use a huge amount of water
- No gutters on building, no run-off control
- Need site plan and landscape plan, including existing conditions and soil samples, clean-up plan
- It is not a simple traffic location
- Is it a hazardous waste site?
- There is a plume of water under the road that at times consists of colored foam
- Structural issues with building – cracks in foundation
- Campground is not in favor of the project
- A retail business would require MVC review
- If the property was sold as opposed to rented a soil test would be required

A motion was made by Ms. Appenzellar and seconded by Mr. Zentner to continue the hearing to March 1, 2016 at 4:00 pm. All voted in favor.

Zinno – RDA to determine whether the area/plans are in the WPA and OB Bylaw jurisdiction, Harvester Way, Map 57, Lot 20

Mr. Alley stated that the Con Com approved an Order for a house on this property some years ago but the Order expired. He explained that this is an unusual RDA because he is not asking if the project will have an impact, he is asking whether the area is an actual wetland or not because dredge spoils were placed there when the nearby pond was created. He stated that Mr. Zinno recently some dug holes and one showed hydric soils all the way down. Commissioners stated that a new wetlands delineation would be required, that regardless of the wetland delineation results the site is in the buffer zone the flood zone, and that consideration would be given to the fact that a permit was once issued for a house at this site. A motion was made by Ms. Appenzellar and seconded by Mr. Zentner to issue a positive determination and require a new wetlands delineation. All voted in favor.

Shaw Request for Certificate of Compliance, South Circuit Avenue – septic upgrade

Ms. Durkee recommended approval based on written reports by the engineer and septic inspector. A motion was made by Ms. Appenzellar and seconded by Mr. Zentner to approve the certificate of compliance. All voted in favor.

Minutes of December 15, 2015

A motion was made by Mr. Zentner and seconded by Ms. Appenzellar to approve the minutes of December 15, 2015. All voted in favor.

Update on North Bluff DRI

Mr. Zentner stated that he heard on the radio that the Con Com now has to approve the project. Ms. Appenzellar stated that she recalled having to approve the Steamship Authority project retroactively and asked for confirmation on whether it needs to be approved again by the Con Com once the MVC decision is issued.

Ms. Hughes stated that there is agreement among town leaders that more public participation is needed so a public forum will be scheduled on the beach nourishment project. She stated that it will be held at a Planning Board meeting but that she made clear that it is a Con Com project. She stated that Carlos Pena and Christine Player from CLE Engineering will explain the project at the forum.

State Beach – Review beach planting recommendations

A motion was made by Ms. Appenzellar and seconded by Ms. Hinkle to approve the County's proposed beach planting plan. All voted in favor.

Sailing Camp Park – Discuss concept of using permeable reactive barriers at the park to reduce nitrogen in Lagoon Pond

Ms. Appenzellar stated that it is a great idea, if the consultant determines that the Sailing Camp is the best location. Ms. Hughes stated that it is an intriguing concept and the park might be the best example since it is town property. A motion was made by Ms. Appenzellar and seconded by Mr. Zentner to approve the concept of PRB use at the Sailing Camp Park based on recommendations of the Joint Lagoon Pond Committee. All voted in favor.

Pelletier (Elizabeth Storm Realty Trust) – NOI to construct an exterior deck addition, covered entry and roof dormer at 419 Barnes Road

Mr. Silva stated that the owner wants to add an open deck, cover an open entry to the deck and add steps to the entry. He stated that the deck would be 276 square feet. He stated that there would not be a roof over the deck. Ms. Hughes stated that the plan was presented to the Con Com in 2011 and was denied because there had already been a 10% addition of the house and a large land coverage footprint and that the property has been maxed out, that there is next to nothing previous left on the site. Ms. Appenzellar stated that an awful lot of the property is covered, it is right on the pond, and the MEP study confirmed that the pond is in bad shape. Mr. Silva asked if the Con Com would entertain approval of the covered entry without the deck. The consensus was that it would be allowed. Mr. Silva amended the proposal to withdraw the deck from the application so that the project is just a covered entry. Ms. Matthews, an abutter,

questioned the impact of the covered entry on her water view. A motion was made by Ms. Appenzellar and seconded by Ms. Hinkle to approve the revised NOI for a covered entry with the deck request withdrawn. All voted in favor.

MV Hospital – RDA for approval of an existing parking area at 31 Windemere Road

Mr. Lolley stated that a parking area and small stone wall has been in place for some time and is in the buffer zone to the flood zone. He stated that the hospital is no longer parking at the site. He stated that he is asking for approval of the pre-existing, non-conforming-type use since it was there before the Con Com established 100 foot buffer to the flood zone. He stated that the surface is an inch and a half of stone on dirt/sand. Mr. Murphy stated that it is completely pervious. Ms. Hughes stated that the buffer to the flood zone interests are the ability of water to percolate and not be directed to other sites. Mr. Murphy stated that the hospital has an agreement that no one will park there until the development office is moved and the site returns to residential use. A motion was made by Ms. Appenzellar and seconded by Mr. Zentner to issue a negative determination. All voted in favor.

OB Highway Dept. – RDA to construct sidewalks along Dukes County Ave. between School Street and Wing Road

After brief discussion a motion was made by Ms. Appenzellar and seconded by Mr. Zentner to issue a negative determination. All voted in favor.

Letter to the Editor

There was brief discussion about whether or not to respond to inaccuracies about the Con Com in a letter to the editor regarding the North Bluff seawall project. Ms. Appenzellar suggested putting all the annual town reports in a folder to document the work the Con Com has accomplished.

A motion was made and seconded to adjourn. All voted in favor.

Respectfully submitted,

Liz Durkee