

MINUTES
Tuesday, March 8, 2016
Oak Bluffs Conservation Commission
4:00 pm - Town Hall

Members Present: Joan Hughes, Ron Zentner, Terry Appenzellar, Margaret Klugman

Others Present: Scott Dario, Tracy Smith, Chris Alley, Muriel O'Rourke, Chuck Sullivan, Brian Packish, Constance Perhan, Jackie Hunt

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

Mr. Sullivan provided the results of soil sampling. Commissioners agreed that an expert would need to review the report. Mr. Sullivan stated that the applicants will be new tenants and Mr. Dario will remain the property owner. Ms. Hughes stated the Commission's main concern is the ground. Ms. Durkee noted the concerns raised at the previous hearing: bylaw change, soils, wetlands, water use, lack of gutters, structural issues with building, flood zone elevations, site and landscape plans, possible MVC referral. Ms. Klugman stated that the soil samples are from 2011 not 2016. A motion was made by Ms. Appenzellar and seconded by Mr. Zentner to continue the hearing to April 5, 2016 at 4:00 pm. All voted in favor.

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

Mr. Alley explained that there is a question about whether the building is in the shore zone: as far as he can tell from his research, the current bylaw definition uses "wetland indicator species" but the original definition was 100 feet from the "salt marsh;" the Town voted in 1985 to change the bylaw to "wetland indicator species" but the change was never approved by the MVC as required for DCPCs. He stated that the MVC has no records of the change and that Ms. Taylor says the current definition is invalid. He stated that the building inspector has said he will enforce the existing language and a challenge should go to the ZBA. Ms. Durkee stated that the Town can ask the MVC to approve the language retroactively. He stated that Ms. Taylor said she is not sure the current language is consistent with the coastal district.

Ms. Hughes stated that now, in 2016, the Commission would require indicator species and soil tests so the new definition is more consistent with current science. There was discussion of a previous request for a new wetlands delineation. Mr. Alley asked the Commission to act on the application. Ms. Hughes stated that an approval would require changes in the plan. Ms. Durkee stated that the site is in the velocity zone on the new flood maps and the Commission would want to see the building elevated. A motion was made by Ms. Appenzellar and seconded by Mr. Zentner to continue the hearing to April 5, 2016 at 4:15 pm. All voted in favor.

Lombardi – NOI for landscaping work to include relocation and filling of a driveway, a new patio, and new lawn installation at 50 Brush Pond Road

Mr. Packish stated that there was discussion at the site visit about the lack of vegetation at the top of the bank and the need for a three foot wide strip of rosa rugosa and like plants. He described the project:

- Remove pea stone driveway and turn it into a vineyard lawn
- Railroad ties to be removed
- Relocate parking to outside buffer zone, lift slope to make level parking area, pea stone
- Create a patio of broken bluestone on side of house
- Small retaining wall by garage door
- Some planting of native rain garden-type to slow runoff from road next to driveway
- Gravel drip line around house

Mr. Packish stated that the Lombardis want to meet the buffer strip requirement. He stated that the site is shady. Commission plant recommendations included clethra, inkberry, staggered rosa rugosa. A motion was made by Ms. Appenzellar and seconded by Mr. Zentner to approve the plan with a special condition requiring a three foot wide buffer strip of vegetation at the top of the bank to include mixed plantings suitable to the sun/shade, including those mentioned and other woody shrubs, with shrubs not to be pruned below 36 inches. All voted in favor.

Minutes of February 2 and 18, 2016

A motion was made by Mr. Zentner and seconded by Ms. Appenzellar to approve the minutes of 2/2/16. Ms. Appenzellar abstained; all others voted in favor.

A motion was made by Mr. Zentner and seconded by Ms. Klugman to approve the minutes of 2/18/16. Ms. Klugman and Ms. Appenzellar abstained; all others voted in favor.

Sutton – Request for Extension of Order of Conditions

No receipt yet of requested buffer strip plant list.

Sailing Camp Park update:

Ms. Hughes reported that Ms. McGroarty understands what is happening at the park and is providing information to the Finance Committee. She stated that Linda Mott-Smith is experienced in dealing with the bookings and understands how the rentals operate.

North Bluff Landscaping for Coastal Bank Restoration

Ms. Hughes stated that the plan has to go back to the MVC for approval (and Con Com approval). She stated that the company that bid the work has ordered 2,400 rosa rugosa for project, 18 inches, bare rooted. She stated that additional plants are needed, she had asked Wilkinson Ecological Design for help with the plan, which she hopes to have completed by Tuesday. She stated that the landscaper bid on a plan that did not include appropriate plants, soil preparation, plant size and spacing, or mulching.

East Chop Bluff – Vegetation Management Plan update

Suggested changes to the draft plan include:

- A specific form for neighbors to apply for permission to prune
- Neighbors granted permission to prune must hire a landscaper approved by the Con Com
- The landscaper should have copy of vegetation management plan in hand, and a site visit or office visit is required before the start of work

A copy of the plan will be sent to the president of the East Chop Association.

Email to Finance Committee on warrant articles

An email was sent to the Fin Com outlining the need for the \$10,000 warrant article for the East Chop bluff vegetation maintenance.

The same email outlined Con Com concerns with the beach rake warrant article. Issues raised included:

- It is premature to buy it with no permit/parameters for use
- It should be part of a nourishment project and the Town needs to develop a budget process for dredging/beach nourishment
- The town needs to spend money on beaches but it needs to be a complete program
- Some Cape Towns allow its use as part of nourishment programs
- Where would the salt laden material raked off the beach be placed – it has to go back on the beach
- Cape towns don't allow raking of rocks, just seaweed and debris
- Collect Orders from Town that have rakes
- Prepare a one page statement for town meeting
- Raking can cause beach to erode faster
- Discussion of dredges, Barnstable, Edgartown, would County buy one?
- Need a dredge management plan
- Beaches need to be maintained, but the Town needs to develop a process and funding to do so
- Ms. Appenzellar agreed to put together an outline of the process
- No Cape towns rake to remove rocks.
- East-facing beaches are completely different than outwash beaches that have natural attrition of sand.

- There are cautions, problems, if we keep raking and won't be any beach left, a lot of sand from last year is already down by the little bridge.
- The Town needs to make an annual commitment of money for dredge/nourishment
- It is a tourist economy and for summer people this may be a priority. Summer people pay high taxes and don't have kids in the schools. Town has to look at the whole picture and it always comes down to money.

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

Respectfully submitted,

Liz Durkee