

Minutes

Friday, April 8, 2016

1:00 pm

Oak Bluffs Conservation Commission

Members present: Joan Hughes, Terry Appenzellar, Ron Zentner, Penny Hinkle, Margaret Klugman

Others Present: Ewell Hopkins, Tracy Smith, Scott Dario, Patrick King, Barbara Baskin, Rick Herrick, Craig Dripps, Injy Lew, Steve Myrick, Bob Whritenour, Jason Lew, Gail Barmakian, E. Jaqueline Hunt, Brian Hughes, Kathy Laskowski, Amy Billings, John Brannen, Dolores Little, James R. Brannen, Richard Seelig

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

Mr. Dario thanked the Commission for the Kleinfelder report on the soil testing results and review of the soil testing history of the site. He stated that he has asked Kleinfelder if he can hire them to do further soil sampling. Ms. Hughes stated that Kleinfelder has the resources to do the work. A motion was made by Ms. Appenzellar and seconded by Mr. Zentner to continue the hearing to May 3, 2016 at 4:15 pm. All voted in favor.

Minutes

A motion was made by Ms. Appenzellar and seconded by Mr. Zentner to approve the minutes of March 22, 2016. Ms. Hinkle and Ms. Klugman abstained; all others voted in favor.

Klein/Rolland Extension Permit Update

Ms. Durkee stated that the MA Permit Extension Act already extended the Order so there was no need for the Commission to vote on an extension. A motion was made by Ms. Appenzellar and seconded by Mr. Zentner to rescind the vote for an extension. All voted in favor.

Allen – RDA to demolish and rebuild a utility shed on the existing foundation at 17 Commonwealth Avenue

It was noted that there was consensus at the site visit that a NOI filing would be appropriate, that foundation and elevation plans are needed, and that this is the first of many issues relating to flood zones regs in an historic district. A motion was made by Ms. Appenzellar and seconded by Mr. Zentner to continue the meeting to May 3, 2016 at 4:00 pm and recommend that the applicant file a NOI. All voted in favor.

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

A motion was made by Ms. Appenzellar and seconded by Ms. Klugman to continue the hearing to April 26, 2016 at 4:00 pm. All voted in favor.

Sailing Camp Park update

Ms. Hughes asked Commissioners to consider rates for local community events. Ms. Appenzellar will conduct a survey of rates at other facilities.

Town of Oak Bluffs – NOI for a vegetation management plan for East Chop Bluff, East Chop Drive, Map 2, Lot 82

Dr. Blacklow's letter was read into the record. Ms. Hughes stated that there is a limited budget, the work will be done professionally, and some decisions will be made by the Commissioners who have expertise in science and horticulture. She stated that the bluff is a failed system and the plan includes planting native, woody plants to hold the top of the bluff, trimming of invasives, and removal of trees growing horizontally on the bluff. She stated that all the proposed plants are on the state list of recommended plants for this environment.

Mr. Dripps stated that the vegetation in front of his house has the biggest impact and that his family has maintained it for 65 years. He stated that he hoped the new requirements will allow his family to keep it sufficiently trimmed. He asked where the Straus property ends and Town property begins. There was discussion of how to delineate the boundary.

Ms. Hughes stated that the Commission needs a paper trail, plans and permits. She stated that privet is on the invasives list and if it is on Town property it could be replaced with something appropriate. She stated that pruning must be done with respect to each plants' growth patterns. Ms. Durkee stated that East Chop Drive homeowners will have to apply to do pruning and hire a landscape professional to do the work.

Mr. Herrick stated that he has trimmed the plants for 49 years and his family may not want to incur the cost of hiring a professional and that they should be pruned to maintain their health. He stated that he doesn't know what the plants are and that the site in front of his house is not the problem. Ms. Hughes stated the Commission will work with him and identify the plants. Ms. Durkee stated that if he doesn't know the plant types he can't know how best to prune them or how strong the roots are.

Ms. Appenzellar stated that some of the funds could be used to have a landscaper identify plants and locations and have the homeowner hire the same landscaper who will know the site and possibly keep costs down. Ms. Hughes stated that if the plants

are healthy and are being pruned correctly the Commission may consider working with the homeowner.

There was a question about whether the work this spring can be done as usual. Ms. Durkee stated that the permit will be in place once issued. Ms. Appenzellar stated that some plants can be pruned in spring and some in fall and at different heights. She stated that some may be growing to six feet because they are being pruned incorrectly. Ms. Hughes stated that the Commission is willing to work with the Herricks/Dripps to see what plants are there and that if some are invasive they may be replaced with natives. Ms. Hinkle stated that every homeowner has to file for a permit and that it would be foolish to overlook the landscaping expertise.

A motion was made by Ms. Appenzellar and seconded by Ms. Klugman to approve the vegetation management plan. All voted in favor.

Town of Oak Bluffs – Request for an amendment to Order of Conditions SE53-0582 for a professionally designed vegetation plan for restoration of the coastal bank from the Oak Bluffs Harbor end of the coastal bank to the fish pier at Sea View Avenue Extension, North Bluff, Map 9, Lot 58

Ms. Hughes stated that this is a bank restoration project on a coastal resource area with the goal of stabilizing the bank against erosion. She reviewed the project narrative. She stated that the chosen plants were recommended by three sources: the MA EOEEA master list for coastal restoration, Wilkinson Ecological Design on the Cape, and Contemporary Landscapes. She stated that every plant on the plan is recommended by EOEEA and MA CZM. She stated that there were concerns that beach grass is not being planted; she stated that beach grass only grows in shifting sand, on primary dunes. She stated that this plan relies heavily on *rosa rugosa*, which is somewhat controversial as it is not a native plant but it is very suitable to this site, is not aggressive, and will help keep people off the bank.

She stated that the middle of the bank will be planted with four grasses, including little bluestem, that will grow together, form mats, avoid a monoculture, and be mixed with native wildflowers. She stated that the grasses are not lawn grasses, but rather will grow tall and bloom. She stated that the area will be hydrosseeded with creeping red fescue to be used as a green fertilizer, and it will germinate almost instantly, hold the soil, then get shaded out and disappear. She stated that there will be irrigation using tripods and fire hydrants for the first year or possibly two years if there are drought conditions the second year.

Ms. Barmakian stated she remembers beach grass on the bank. Ms. Hughes stated that there were pockets of beach grass but it doesn't thrive there. There was discussion about plant heights, maintenance, and aesthetics. Ms. Durkee stated that the chosen plants are strongly rooted in order to protect the bank. Ms. Appenzellar stated that the Oak Bluffs section of the MV Garden Club has agreed to help with the pruning. Special conditions were discussed: 80% viability after two years, inspection by Commission

before planting, irrigation, no fertilizer, and hydroseed when three dry days are forecast. A motion was made by Ms. Appenzellar and seconded by Ms. Klugman to approve the amendment to the Order of Conditions. All voted in favor.

East Chop Drive/Road Status – Rick Herrick

Mr. Herrick stated that the Town strategy of closing the road in storms is not working. He stated that his nephew has a PhD in geology with a specialty in hydrology and his nephew says there are three problems:

1. Waves that hit the bank have caused erosion
2. Heavy rain soaks into the foundation of the road, which is made of sand, and it becomes vulnerable to road collapse
3. The macadam slants toward the water, people water their lawns, and the runoff erodes the foundation of the road

Mr. Herrick stated that nothing is being done about it and the Selectmen won't close the road. He stated that it will close one way or the other, intentionally or when a car or truck collapses it in a heavy rain. He asked the Commission to recommend that the Selectmen close the road and asked if there is any way to pass an ordinance about lawn watering. Ms. Appenzellar stated that the Commission has recommended to the Selectmen that they close the road.

Beach Committee – discussion of beach rake

Mr. Seelig's comments included the following:

- The beach committee wishes to make their feeling known about the state of the beaches and their value to the economy with a discussion about beach management and the purchase of a surf rake
- Beach replenishment projects bring foreign objects to the beaches
- Last year the nourishment contractor estimated that 25% of the material was rocks, which is a higher percentage than what was on the receiving beach. Some of the rocks were sifted out and put under the sand. Some rocks were very large
- There was a meeting in February with Steve McKenna of MCZM who said there is a fair degree of flexibility, including beach rake use, and that there has not been much public discussion
- People say raking is not allowed under the regs but other towns work with informal agreements and under Orders of Conditions
- Falmouth allows rocks to be reincorporated into the beach in the dune area

Ms. Hughes' comments included the following:

- One reason they bury the rocks is because they are covered with salt
- We are happy to have you here – everybody is concerned about the beaches but a beach rake may not be the answer
- The science tells us that the more you rake out the faster the beach erodes
- An overall beach management plan is needed
- The Parks Dept. maintains the beaches and they have a very small budget
- The Conservation Commission is the permitting agency

- The Selectmen need to form a beach committee and give them teeth, with citizen involvement - we need planning first
- Buying a beach rake without knowing how it will be used, what it will do, and if we can afford it is putting the cart before the horse

Ms. Barbadian's comments included:

- All departments should work together to develop a beach management plan, with some type of beach cleaning
- The town must prioritize and priorities require money
- We need to seek a middle ground

Mr. Hughes' comments included the following:

- We have 251 signatures on a petition, 67 of which are Oak Bluffs citizens
- We are confident it will be bought, people want something positive to happen
- This is an uprising

Ms. Hughes stated that the Town needs a management plan, some towns only use rakes for beach nourishment, and the Parks Dept. will have to apply to Conservation Commission for a permit to use the rake. Ms. Durkee stated that moving rocks behind the dune will not address the erosion problem. Ms. Billings stated that you can't remove seaweed or take rocks off the beach so what is the beach rake going to do? Mr. Seelig stated that the rocks were introduced from the dredge project and the rake would be used three times a season. Ms. Billings stated that when she was a kid they dumped dirt from the dump on the beach. Ms. Durkee stated that if the beach rake is approved the Conservation Commission is not going to be bullied into issuing a permit – the decision will be based on science. Ms. Appenzellar stated that the last dredge project cost a million dollars and it's not just a rake issue, it's a bigger issue.

Ms. Billings' comments included the following:

- The Highway Department does not have the money to buy a tractor and the budget for next year has been cut
- All the beaches need help – users of Marinelli Beach want lifeguards and ADA accessibility
- We are in the process of putting in stairs, a new fence, money for planting, we brought back the lifeguards
- A beach rake won't solve the problem. The lifeguards pick up trash and a little community effort would help. You can't change people from being human and leaving trash
- It's a bigger problem and she would like to hear things other than complaints.

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

Respectfully submitted,

Liz Durkee