



Town of Oak Bluffs  
Conservation Commission  
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Joan Hughes  
Chairperson

Terry Appenzellar  
Sharon Cooke  
Alice Goyert  
Rose Ryley  
Ron Zentner  
Board Members

Garrett Albiston  
Conservation Agent  
Garri Saganenko  
Conservation Admin.

## Conservation Commission Hearing Minutes

July 21, 2022, 3:30PM

Hearing held at Sailing Camp Park

177 Barnes Road, Oak Bluffs, MA 02557

**Members Present:** Terry Appenzellar, Sharon Cooke, Alice Goyert, Joan Hughes, Ron Zentner

**Members Absent:** Rose Ryley

**Othes Present:** Garrett Albiston, Garri Saganenko, John Jones, Laura Wooster, Walter Vail, Scottie Vail, George Sourati

### Discussions:

**3:30PM – RDA for 53 West Avenue M2 P20 John Jones on behalf of Jim and Laura Wooster,** Request for Determination of Applicability for removal an 18' by 8' deck and then the construction an 18' by 10' addition within the 100 foot buffer to a F.E.M.A. 100-year flood zone.

John Jones presented. The addition will extend two feet beyond the current boundary of the deck. There will be three, hand-dug footings to support the addition. Members reviewed the sketches provided by Mr. Jones. Mr. Albiston confirmed that the proposed construction is within the buffer zone to the 100-year flood zone and that there would only be three additional footings constructed. Joan Hughes asked some clarifying questions about the design plan. Mr. Albiston: How big of an opening will it be going from the living room into the study? Mr. Jones: 32 inches. Mr. Albiston shared that that is OK with the Conservation Commission but will encounter issues with the Board of Health because the Board of Health will call that a bedroom unless it has a nine foot opening. This won't be addressed at this time, however. Walter Vail shared the current septic capacity at the house allows for 7 bedrooms and that there are currently 6 bedrooms. Mr. Albiston interjected to limit discussion on Board of Health subjects. Members and Mr. Jones then clarified the dimensions of the footings.

Terry Appenzellar noted that the drawings don't show the actual distance of the construction to the edge of the flood zone. Ms. Appenzellar asked for the distance. Mr. Albiston approximated 40 feet; Mr.

Jones approximated 50 feet. Ms. Hughes shared that she feels it just ekes out of the first 50 feet of the buffer. Ms. Appenzellar noted that this area is the flood zone extending from Crystal Lake.

Mr. Albiston shared that an RDA can be conditioned, Ms. Appenzellar wasn't certain. Standard building conditions, hand-dug, silt fence, clean site.

TA moved for a negative determination of applicability for the removal of an 18' by 8' deck and then the construction of an 18' by 10' addition within the 100 foot buffer to a F.E.M.A. 100-year flood zone at 53 West Avenue. Alice Goyert seconded.

All present members voted Yes.

**3:45PM – RDA for 64 Winemack Street M4 P21 George Sourati on behalf of Stephen J. Davis and Jill W. Cowan**, Request for Determination of Applicability regarding construction of a pool and associated utilities within the 100-foot buffer to a F.E.M.A. 100-year flood zone on property owned by Stephen J. Davis and Jill W. Cowan.

George Sourati presented. The current owner would like to construct a pool. It's more than 200 feet away from the closest wetland (Crystal Lake), just above the 100 year flood zone. A silt fence will be put on two sides of the construction. Ground water is not an issue. There is a septic system that is in the ground, the pool must be twenty feet away from it. We have the pool at 21 feet away. The area of the work is mostly already cleared. Joan Hughes: What kind of a patio and how will it be constructed? Blue stone and dry-laid. Ms. Hughes: We prefer space in joints to allow for drainage, this is the point of having dry-laid.

Terry Appenzellar: Park Street, which is a non-existent road, abuts an area known as "The Plaza," a huge open area. It's technically a park but was undersuit for a long time because the town tried to tax the owners, which was owned by the Luce's 400 years ago. Personally, I would feel more comfortable to see this project as an NOI. Mr. Albiston shared that the Conservation Commission doesn't have a right to put it as an NOI because there are no regulations for the buffer to the 100 year flood zone, so we cannot ask for that. Regulations now take precedence over policy, from the perspective of the [Town of Oak Bluffs]. Terry Appenzellar: Do we have directions from somebody that that is the case? Mr. Albiston: Michael Goldsmith. Terry: Have the commissioners seen that in writing? Mr. Albiston shared that this is what he has learned from his work with the Board of Health. Policy must be written and signed in.

Sharon: We were sent a copy of a quitclaim deed, that says nothing to be built on this area. There is a part of the land on park street that cannot be built upon – this will not be on park street/the part of the property that is on park street.

What happens to emptying the pool, Terry. Joan, we don't empty pools anymore. It's not healthy for the pool to be emptied. How is this property accessed, Sharon? Sourati demonstrated how it is accessed.

TA motioned to include the condition that the patio be pervious, 20 percent along with a negative determination of applicability. SC seconded. All present members voted Yes.

**Other Business:**

- Members approved the minutes of 7/5/22; TA motion, AG seconded. TA, SC, RZ abstained. AG and JH voted yes.
- Members approved the minutes of 7/7/22; RZ moved, SC seconded. SC, AG, JH, RZ Yes. TA abstained.