



Town of Oak Bluffs
 Conservation Commission
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 Rose Ryley
 Ron Zentner
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Garrett Albiston
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Conservation Commission Hearing Minutes

May 19, 2022, 3:30PM

Hearing Held on Zoom

Members in Attendance: Joan Hughes, Terry Appenzellar Sharon Cooke, Alice Goyert, Rose Ryley, Ron Zentner

Others in Attendance: Garrett Albiston, Larry Perkins, Richard Johnson, Tara Gayle, Barbara Lampson, Reid Silva, Michael Hopson, Carol Hopson, Fred Lowery, Chris Alley, Rae Ishee, Tom Tate, Mark McQuade, George Sourati

3:30PM - NOI 375 Barnes Road M27 P14- Richard Johnson, Notice of Intent to remove 10 trees and plant 37 green giant arborvitae along the southern property line.

Richard Johnson presented on behalf of the owner. Mr. Johnson is trying to improve access to the driveway by removing pitch pines before they fall on neighbor's property. Four yew trees also need to be removed as they prevent any work being done. To increase screening, Mr. Johnson proposes the planting of 37 green giant arborvitae. Garrett Albiston shared that he has visited the site. It is a small project and he does not believe it necessary to have anybody else visit the site. Mr. Albiston then confirmed all of the information that Mr. Johnson shared; Mr. Albiston has no issue with the project moving forward.

Joan Hughes: The arborvitae might begin at 7-8 feet but they could end up at 30, how close to the property line are they, has anybody consulted the neighbor about this?

Larry Perkins, who identified himself as the neighbor, responded. He hired Andy Merrick, a landscaper, to advise him about the matter. Mr. Perkins has no concerns about the work.

Alice Goyert: I hate to see Oaks being taken down, but I don't think we have jurisdiction when it is on someone's property and not in wetlands.

The presenters restated why they feel the Oaks need to be removed.

Terry Appenzellar made a motion to approve the notice of intent to remove 10 trees and plant 37 green giant arborvitae at 375 Barnes Road. Ron Zentner seconded. Voice vote.

All members voted yes. The motion passed.

3:43PM Alice Goyert motioned to approve the minutes with revisions from the 5/5/22 meeting of the ConCom. Ron Zenter seconded. All members voted Yes.

3:45PM – RDA 7 Wapello Street M7 P161 – Jerold & Theda Lambert, Request for Determination of Applicability to enclose a front stoop on the NW corner of the home.

Applicants did not appear.

3:49PM

Tara Gayle presented a landscape plan regarding work to be done at 41 Sengekontacket. A retaining wall needs to be built because of the height of the house from the ground. She then identified plant species that would be planted.

Tara: I was told we need to build back and restore this bank. Would a fall timeline for the restoration of the project be acceptable? No immediate answer.

Tara: A retaining wall will be placed around an oak on the west side of the property, along with screening for the neighbors.

Joan Hughes: How wide would the border on that be?

Tara: I was told 10 feet minimum. Garrett shared that there might already be 10 feet of buffer. There is 25-30 feet from the edge of the bank to the house that hasn't been touched.

Joan: How steep is the drop from the edge of the bank to the beach? Tara: 4' to 4.5'

Joan: Is the bank healthy? Tara: It looks healthy.

Joan: Garrett, where are we in the process?

Garrett: Once this plan is approved and everything is done they can come back for a certificate of compliance. This should be voted on.

Terry: When do you want the bank work done?

Garrett: Whenever they'd like once it is approved.

Terry Appenzellar motioned to approve landscaping plan at 41 Sengekontacket with understanding that watering will be done with soaker hoses. Ron Zentner seconds. All members voted yes.

4:00PM – NOI 151 Barnes Road M15 P2 – Reid Silva, Notice of intent to construct & maintain a swimming pool, pool cabana, pool equipment storage shed, septic tie-in, and associated landscaping.

Reid Silva presented on behalf of the owner. He indicated where additions to the house would be – as well as pool house, pool, and patio. He indicated where flood zones are, coastal banks according to DEP, etc. He demonstrated how this plan has changed from the initial plan, including the movement of the pool from one side of the house to the other. The idea was to relocate the structure to an area that was less sensitive. Cody Coutinho attended site visit, there was discussion about adding vegetation to where the lawn has been pushed up to the coastal bank.

Barbara Lampson then presented Reid's plan. She shared that Joan and her spoke about some Oaks along the bank that catch the wind and may need to be flush cut because of their profile to the wind, encouraging chunks of the bank to come out.

Garrett: The pool house will be open and not have heat? Barbara: tT hasn't been designed yet, but it will not be any type of dwelling.

Garrett: We don't have a solid landscape plan, I think we should continue until we have a more detailed landscape plan.

Barbara: I would be happy to return with a plan. The clients were looking for approval of the pool and cabana so they can move forward with fixed design. I didn't want to develop this without a location for a pool.

Joan: You moved this in four feet from where it was flagged yesterday? Barbara: Yes.

Garrett: If everything were approved today with stipulation that you come back to commission with a landscape plan, when could you have that, sixty days? Babara: One of two next meetings.

Reid: Perhaps if you did approve this plan today it could be conditioned for everything except hardscaping. The hardscaping would need to be approved prior to a building permit.

Joan: When do you honestly anticipate applying for a building permit?

Barbara: What owners want is an approved plan so they can get on a builder's schedule. Owners were hoping to complete plantings around the house this year, if I come back sooner [than sixty days] can I get on June meeting schedule? Garrett: Yes.

Sharon: Is the pool house/cabana under our jurisdiction? Joan: It is Board of Health.

Terry moved to continue the Notice of Intent hearing for 151 Barnes on June 16th at 3:30pm. Rose Ryley seconded. All members voted Yes. The hearing continued.

4:30PM – NOI 51 Ice Pond Lane M43 P47- Christopher Alley, Notice of Intent to construct a single family dwelling and associated site work including grading, landscaping, and construction impacts

Chris Alley presented on behalf of the owner. He demonstrated the location of the property within various zones.

Joan: What is the acreage of the lot? 3.69 acres.

He then showed a Planting Plan. He indicated where on the plan the property intersects with the buffer zone of the wetlands as well as the 100 year flood zone. The project has been scaled back considerably since the initial proposal. Though the majority of the work takes place out of the jurisdiction zone there will be construction impacts within the jurisdiction. Some long term impacts include drainage. He then showed the limit of work within buffer and flood zones.

Joan: What are you actually looking for us to answer today?

Chris: We did get a DEP file today. We need a natural heritage sign off, haven't received that yet. What we are looking for is an NOI approval that will address everything within the limit of work. There will likely be a follow up having to do with view clearing. That would be a separate filing, or a later amendment. We are looking for an order of conditions having to do with all construction up here.

Joan: sSo this would include the landscape plan as well?

Chris: Because we haven't heard from natural heritage we acknowledge that we'll probably be coming back.

Rae Ishee: We do have a full landscape plan that we can share with you as well.

Joan: As a commission we prefer to have really finished plans as an NOI instead of approving things piecemeal.

Chris then took the committee through the construction and drainage plan. Presented Phase 1 and construction. Shows were special reservoirs to control water during construction.

Tom: From our perspective, our priority is being sensitive to the resource. We have shown the snow fencing, site protection, wattles, etc. We want to protect the resource from runoff during construction. The roof will drain into the

central courtyard. We have asked George Sourati to help with a water retention pond for protection of the resource. No site clearing has been completed yet. We would like to get this completed before the Farm Neck moratorium. We would like to do Phase 1 clearing now.

Joan: If you're not in our jurisdiction we can't say no.

Tom: True, we just don't want to run afoul.

Joan: I need to simplify this a bit. The landscaping plan is primarily in our jurisdiction. However, we do have concerns over the size and complexity of what is going on, it's still a lot bigger than anything we've ever seen.

Chris continued to outline the drainage plan.

Joan: Garrett, do you have any comments?

Garrett: How big are the dry wells? George: They are 6 by 6 feet.

Joan: Is this primarily a sandy area? George: Yes, it is.

Joan, what is the water table in relation to elevation of the house, Chris we did not get the water table groundwater in any of the soil testing, grade down at salt marsh is a little below elevation 5. George, what elevation are drainage pits at? Drainage plan is designed for the 100 year storm. There will be no less than 5 feet between groundwater elevation and leaching pit, well above requirements.

Joan, I am concerned because that is a sensitive area, in coastal studies they have figured out where high points will be, and this is one of them. On the other side we will have 13 feet clearance of groundwater. Joan, retention pond will be made of what? George, clay at the end will be removed.

Rae then presented the landscape plan. Joan: Is there a plan that shows what the finished grades should be? No. Rae also presented a plant list.

Joan: Has any thought been given to using excess water for irrigation during droughts? Sensors will be used to manage irrigation when it rains for extended periods of time.

Terry: Is the irrigation system on the plan?

Rose: What does the reservoir look like? George: The bottom will be crushed stone, the rest will be dirt. A series of pipings capturing stormwater from the basement, etc. No mechanicals pumping.

Joan: Are cleanouts scheduled? George: Yes.

Rose: About the permitted drainage, it's similar to what a septic would do? George, yes, main chamber similar to septic surrounded by crushed stone on each side.

Sharon: NOI on July 14th, 2020 for the same property. Was this withdrawn? Has that been administratively closed? View corridor situation was pending, natural heritage was requested and due any day. Our approval then was pending receipt. Has that been closed off? Garrett: It could not have been approved without a final letter.

Joan: Who submitted? Hoehn and Conover. This was prior to the transaction with the new owner.

Terry moved to continue notice of intent hearing at 51 ice pond road until June 2nd at 3:45pm. Alice Goyert second. All voted yes.

Terry motion to adjourn. Alice seconded. Meeting ended at 5:40pm