



Town of Oak Bluffs
 Conservation Commission
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Terry Appenzellar
 Sharon Cooke
 Alice Goyert
 Rose Ryley
 Ron Zentner
 Board Members

Garrett Albiston
 Conservation Agent
 Garri Saganenko
 Conservation Admin.

Conservation Commission Hearing Minutes

June 16, 2022, 3:30PM

On Zoom

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

Others Present: Garrett Albiston, Garri Saganenko, Cody Coutinho, Barbara Lampson, James Holenko, Caleb Nicholson, George Sourati, Vic Pierini, Veronica, Chris Alley, Tom Tate, Rae Ishee, Fred Lowery

Discussions:

3:30PM – RDA 45 Lagoon Road – Reid Silva, Request for Determination of Applicability to upgrade a septic system and install and maintain an in-ground swimming pool within the buffer zone to the flood zone.

Cody Coutinho of Vineyard Land Surveying & Engineering presented on behalf of the property owner. He shared that the proposed pool is 64 feet away (11 feet above) contour line of 100 year flood zone on Gull Landing. As well, the proposed leaching facility is 36 feet away (6 feet above) from the flood zone. No other aspect of the project would affect the flood zone, there will be no regrading.

Joan Hughes: Has the Board of Health approved the leaching field? Garrett Albiston shared that he will approve the leaching field if this project is approved by the Conservation Commission. The Board of Health has no reservations about the septic proposal.

Terry Appenzellar: What happens if it does flood? Won't it all go into the neighbor's yard? Cody Coutinho: Regardless of any work done on the lot, the 100 year storm would flood in the same manner, so no impact.

Terry Appenzellar motioned for a negative determination of the RDA at 45 Lagoon Pond Road for the swimming pool and the septic leaching field. Ron Zentner seconded the motion. Joan Hughes called for a voice vote.

All commission members voted Yes. The motion was approved.

3:39 PM Garrett Albiston requested that the Commission discuss the reappointment of Ron Zentner to the Harbor Advisory Committee. The Commission lauded Mr. Zentner's minute-taking capabilities. Terry Appenzellar moved to appoint Ron Zentner as the representative of the Conservation Commission to the Oak Bluffs Harbor Advisory Committee. Alice Goyert seconded. All members voted yes. Mr. Zentner was reappointed.

3:40 PM Garrett Albiston introduced Garri Saganenko as the new Conservation Administrator for the Town of Oak Bluffs. Mr. Saganenko briefly introduced himself.

3:45PM – NOI 319 Barnes Road M27 P5 – George Sourati, Notice of intent to reconstruct a set of wooden stairs down a coastal bank and the removal of three trees located near the top of the bank.

Caleb Nicholson and George Sourati presented on behalf of the property owner. Mr. Sourati shared that roughly ten years ago Mr. Nicholson and him designed a set of stairs for this property. They are now worn. They would like to rebuild the middle section of the staircase. The proposal is to remove two oaks and a cherry tree that could potentially accelerate erosion if they are not removed. Mr. Nicholson consulted Wilkinson Ecological to support this claim. The new portions of the staircase will be elevated and not touch the existing bank. Mr. Nicholson presented the details of the Wilkinson Ecological report regarding tree removal. If a storm were to take down these trees then serious damage to the bank would be done. A larger project is not in the client's budget.

Joan Hughes: How will you get these trees down? Caleb Nicholson: Bartlett Trees will come in with their bucket trucks, larger trees will be removed by a crane in the driveway. No heavy equipment down below.

Garrett Albiston shared that the report from Wilkinson Ecological was not included with the Notice of Intent so some members have not yet had the opportunity to review the report.

Joan Hughes proposed that the hearing be continued so that members have an opportunity to read the Wilkinson report and ask questions.

Sharon Cooke wondered about the effect of the tree removal on the ground of the property, depressions? Mr. Nicholson ensured that the crane will remain on the driveway of the house. Ms. Cooke requested that this narrative of removal be written out. She then raised the issue of the improper storage of kayaks along the bank of the pond, which members noticed at the Tuesday site visit. Terry suggested that any order issued that no kayak storage is allowed in that area since this contrasts with the claim that they are trying to prevent erosion.

Alice Goyert expressed skepticism about the need to remove the trees based on her observation of the picture of the roots and at the site visit. The oaks stabilize the bank. Mr. Nicholson shared that the trees would be flush cut, no stump removal. And that removal would be done with care for the bank.

Terry Appenzellar moved that the notice of intent hearing be continued to July 7th at 3:30pm. Ron Zenter seconded. Unanimous approval.

4:00PM – Continuation of 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.

Cody Coutinho and Barbara Lampson presented on behalf of the owner. Barbara presented her comprehensive plan for the landscape design. Members complimented Barbara on her work.

Terry Appenzellar moved to approve the notice of intent for 151 Barnes Road to construct & maintain a swimming pool, pool cabana, pool equipment storage shed, septic tie-in, and associated landscaping. Ron Zentner seconded.

All members voted yes. The motion passed.

4:23PM Sharon Cooke requested that the property owner's name be added to the agenda as well. Mr. Albiston said this could be added to the agenda in the future.

4:30PM – Continuation of 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.

Rae Ishee presented a comprehensive site and landscape design plan on behalf of the owner. Before she began, Chris Alley shared that they have received the Natural Heritage Letter and that this letter has been provided to the Commission. Rae paused to take questions.

Joan Hughes emphasized that the commission is primarily concerned with the parts of the plan that are in its jurisdiction. Rae indicated where on the landscape design plan this jurisdiction would be.

Terry Appenzellar: Who is doing the installation. Rae shared that this has yet to go out to bid. Terry said that at some point the commission will need to know who is being held accountable for the survival of the plant material. Members shared that a 2-year warranty is required for plant survival.

Rose Ryley: Where will water from irrigation be directed, a special reservoir or left to trickle away?

Rae shared that the irrigation system is a separate system from systems that will direct other water into a special reservoir. Joan emphasized that this special reservoir is only for the construction phase. George Sourati indicated where on the final plan a storm water drain will be installed to mitigate runoff from hard structures. Sensors will be used with respect to irrigation to control excess runoff, for instance if it rains for 7 days straight the irrigation system will not continue to turn on. Tom Tate and Rae then shared plans for construction of site protection fencing.

Sharon: When will construction begin? Tom Tate shared that Phase 1 site clearing has been completed. No phase 2 site clearing has begun. The site will be shut down, as required, for July 1st. Formal groundbreaking is planned for Labor Day.

Sharon: Will pitch pines remain in the lower area? Rae: Anywhere outside the limit of regard we will keep pitch pines.

Joan: It was mentioned that this application might come back to us after construction is completed. In terms of a viewscape application, as a separate application. Rae: Yes, this will be a separate NOI. Tom Tate: My understanding is that once the house is framed so you can stand on the deck to see the view and the view channels we would prefer to clear, then this can be done during construction since we will have access and machinery then to do this work. The view channel will probably be an NOI once the house is framed, but we would like to execute the view channels prior to the completed landscape for sure. Joan: We frequently do allow that, sometimes that comes as an amendment to the original, but because of the complexity and nature of this project it would have to come as a separate NOI.

Joan: Another thing we would need, there is a lot of regrading going on, we would be happy to have that regraded at some point. Tom Tate, we would happily agree to that. We would prefer to have an NOI once the house is framed up and once the regrading is established. Joan, I think we will discuss that with Garrett when we get there. You can come in and have a pre-application conference with him to determine where things stand.

Joan: What we need now then is an approval of the NOI.

Terry: I understand that current bylaw does not give us any authority over the [open] loop geothermal system. I would like to go on the record that the estuary is a resource we do protect and I would hope that the project

and the owner will be cognizant of any impact on the pond of a kind of system that we have never seen before. And that the amount of water likely to be injected back into the ground may well have some consequences for the pond.

Terry: I move that the commission approve associated site work including grading, landscaping, and construction impacts at 51 Ice Pond Lane. Ron Zentner seconded. Voice vote.

All members voted Yes. The motion is approved.

Joan re-emphasized that because of the size and complexity of the project, any NOI regarding view-clearing should come in much nearer to the end of the project rather than early on.

Alice shared that a similar argument is being made by many applicants when they want to enact tree removal. They say there will be a big storm and the tree will fall down so we need to get rid of it preemptively. Somehow we need to have some idea of regulation or something, particularly Oaks. Everybody seems to be using the same reason when in reality it's to improve the view.

Terry motioned to adjourn the meeting at 5:10pm. Ron seconded. All voted yes.