



Oak Bluffs Conservation Commission
MINUTES
Thursday, July 8, 2021. 3:30 pm
Oak Bluffs Sailing Camp - 177 Barnes Road

Members Present: Joan Hughes (Chair), Terry Appenzellar, Ron Zentner, Sharon Cooke, Rose Ryley

Others Present: George Sourati, Charles Hajjar, Bronwen Looby, Craig Dripps (ECA President), Mark Mangenello, Gregor I. McGregor, Mickey Marcus, Brad Holmes, Mary E. Phillips, members of the community (East Chop members mostly).

Joan Hughes called the meeting to order at approximately 3:30 PM.

Hajjar, 10 Anthiers Lane – NOI to construct a pool cabana to be located below the 100-year flood elevation.

George Sourati is representing his client, Charles Hajjar in this case. Mr. Sourati presented the site plans to the Commission. The proposal of this small structure is planned to be 12 by 18 feet in size, and for the purpose of providing an area by the pool with shade coverage. The design for this structure was decided to be built on piers, with concrete sonotubes, and on a wooden platform because this was determined to be the least intrusive method to the land. Most of the structure will be in the woods to maintain a view from the house as marked by the stakes seen during the site visit. There are no plans for water or electric to be added to the structure. Gutters and a small drainage system were also part of the design plan. The chair, Joan Hughes, opened up the floor to the rest of the Commission members for any remarks. Ms. Appenzellar asked about the flood elevation in regards to the plans and the 100-year flood elevation. Ms. Cooke asked about the trees that will have to be taken down for this plan. Mr. Sourati replied that only the small Pine trees, less than 2 inches in diameter, will be taken down and the larger Pines are far enough back where they can be left alone. Ms. Hughes mentioned a couple of issues with the plan including that part of the proposed structure is below the 100-year flood elevation, and the trees to be cut down, although small, make up much of the buffer zone between the yard and wetland. Mr. Sourati agreed to re-stake the proposed location of the cabana higher up on the elevation zone, and away from some of the smaller Pine trees. Ms. Appenzellar motioned to move this case to be heard at a following meeting to be held on August 5th at 3:30 PM. Ms. Hughes seconded the motion and all members agreed. It is also agreed that there will be a follow up site visit at this location prior to the next meeting.

Looby, 133 Seaview Avenue – RDA to locate 12x16 shed on the west side of the property at 133 Seaview Avenue.

Ms. Looby asking for permission to put a 12 by 16 foot shed on the west end of their lot. This will require an exception from the usual 100 foot buffer zone of a wetland, to their proposal of 60 feet. The Looby's are experiencing what is to be thought of is poisoning of their property by neighbors resulting in the eradication of vegetation on their land. Ms. Hughes noted that the

Commission has been to this property several times and have witnessed the destruction of the supposed poisoning. It is also noted that there is an existing Order of Conditions on this property to plant vegetation which the property owners have followed by. Ms. Appenzellar motioned for a negative determination to allow the shed to be put on the west side of the lot. Ms. Cooke seconded the motion and all members unanimously vote to agree.

East Chop Association – NOI to permit implementation of a Vegetation Management Plan for Crystal Lake and adjacent East Chop Association property at East Chop Drive and Crystal Lake.

Ms. Appenzellar is an abutter of Crystal Lake and therefore she appropriately recused herself from this case. Mr. McGregor presented himself and his team of scientist hired for this project made up of a mix of interdisciplinary scientists all focused on different aspects of this complex NOI. Craig Dripps was introduced as President of the East Chop Association, and representing members of the association, gave his speech on his views of the importance of this Crystal Lake restoration project. His exact speech was given to be put on file for review if anyone shall request it. Mr. Mangenello is a leading wetland scientist hired by the ECA for this project who was introduced by Mr. McGregor to the Commission. Mr. Mangenello discussed the different resource areas contained around Crystal Lake including barrier beaches, pond banks, coastal dunes, and vegetative wetlands. It was understood to be a multifaceted and complicated proposal. It can be broken down into 3 broad categories:

1. In water pond management.
2. Invasive species control.
3. View corridors.

The pond water management included low water Milfoil treatment, Brown Algae treatment, and Phragmites treatment.

The invasive species control measures involve Phragmites treatment, which crosses the categories of 1 and 2. Along the barrier beaches especially within the coastal dunes and where view corridors are present there is a large presence of invasive species. These invasive species include Asiatic bittersweet, Asian willow, autumn olive, glossy buckthorn, and Japanese knotweed.

The third aspect was the view corridors. There are 14 proposed view corridors, with several on both sides of the lake. They were selected based on a number of factors:

- Are there existing view corridors already there?
- Were they previously permitted as view corridors?
- Existing vegetation present in certain areas.

A primary concern with the barrier beach view corridors is the possibility for destabilization of these precious areas which was a factor carefully considered, and will be avoided by all efforts of the team hired. From a permitting perspective this project was filed as an Ecological Restoration Limited Project. Essentially there are certain activities that will occur within these resource areas, and therefore will face some disturbance which will require an exception of the total area that is allowed to be disturbed. Mickey Marcus, a wetland scientist and leading expert in lake and pond management, presented a short video recorded by drone in September of the previous year. This video gave a quick tour around the lake while highlighting some of the issues this project would like to resolve including present milfoil, algae, and Phragmites. The ECA has had permission to deal with Phragmites in the past, but that had been neglected in recent years and it shows with the increased presence of Phragmites. This new proposal is a 5-year plan, as it cannot

all be implemented at once. Mr. Marcus points out in this video that the lake shore is one aspect of the pond that is in good shape. Water sampling also showed low levels of nitrogen and phosphorus, which limits the possibility of these being pesticide and septic issues. This is a long term plan by the ECA to manage Crystal Lake to control and improve the overall quality of the lake. Depth of the lake has become shallower over time with the depth ranging from 3-6 feet and an average depth of 3.3 feet. These shallow waters are more susceptible to problems arriving such as algae blooms. Part of this notice is to have a permit available when these problems do arrive, as these algae problems cannot be pretreated before problems do show up. The milfoil on the other hand is usually a one-time treatment. Phragmites are treated chemically with a good amount of die back in year one, but will need to be revisited in future years to keep up with the growth. This notice is designed to be an adaptive plan, and done over a number of years in phases, so there will not be too much altering of the land done at once. Mr. Manganello came back up to discuss the view corridors further. As he pointed out there is no attempt to restore the views to a historical landscape. The goal is to lower the vegetation to a certain degree in distinct locations, through ecologically sensitive landscape techniques. Mr. Manganello discussed his experience with similar cases he has worked on to this one being proposed by the ECA. Again this plan is phased so it can be adaptive and reviewed to see what is working and what needs to be rethought. Year one will be the most intensive, and after that in the years that follow will be mostly light managing and pruning, repeating that procedure for the following years. Out of approximately 55 guidelines of the Oak Bluffs Wetland Bylaws, this proposal follows all but 3 which they are asking variances for. It is believed they qualify for these variances because of the environmental upside of the project. Brad Holmes was introduced and discussed his main focus of assisting the team with an evaluation of the coastal resource areas, mainly being coastal dunes and barrier beach systems. It was determined by Mr. Holmes and his team's findings that the work done in this project would not destabilize the resource areas, but make them stronger in the long run. As an arborist Mr. Holmes also helped with the planning of tree pruning and tree removal discussions. It was also determined that the tree work done for this proposal will not destabilize these resource areas, but also improve them in the long run. Mr. Dripps presented some members of the East Chop board members to discuss their supporting view of this NOI application. Ms. Hughes reminded the audience that we are all on the same side, and the Conservation Commission just has a proper process that needs to be respected before getting an approval of a project, especially one of this size. More letters are read by the Commission all in support of this project to establish a management plan for Crystal Lake. Ms. Hughes mentioned the FEMA grant for the East Chop bluff which is a project the Conservation Commission has been working on in recently. It was mentioned that the Oak Bluffs Conservation Commission has hired their own consultant, Lynn Hamlyn, for this complex project. Ms. Hughes came to the determination that the Commission will need more information before giving the final approval on the abnormally big project. Some of the information asked for includes a request to prioritize the view channels, and to properly stake out these areas. It is also mentioned by Ms. Hughes that some of the non-native plants may work better compared to native plants in our changing environment due to climate change. In terms of the herbicide application, the Commission will need an alternative analysis before giving approval. Ms. Ryley discussed setting up quantifiable goals for this plan to help measure the success of the project. It was asked by an audience member if this proposal could be approved with and order of conditions, but as Ms. Hughes previously mentioned there was not enough information here to approve even with pending conditions. Ms. Cooke commented on the specifics of this project's timeline, and requested to

make it clearer for the Commission. It was requested by Ms. Hughes for a continuation of this case to be heard at a further meeting to be held on August 5, and it was agreed upon by ECA President, Craig Dripps. Another site visit will be required before the next hearing.

Other Business:

Minutes.

Ms. Appenzellar motioned to approve the minutes from May 26. Mr. Zentner seconded the motion, and all members voted to approve. Ms. Appenzellar motioned to approve minutes from June 17, Mr. Zentner seconds the motion and all members voted in favor.

Affordable Community Housing on Edgartown Vineyard Haven Road near Ice Arena.

Ms. Hughes read aloud a letter from the Oak Bluffs Planning Board and Affordable Housing Committee asking for volunteers from the Conservation Commission to join this committee. Ms. Cooke volunteered to be the representative from the Conservation Commission, and all members agreed to this.

The Meeting was adjourned by the Chair, Joan Hughes at 5:51 PM.

Respectfully submitted,

Zac Wannamaker