



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

August 18, 2022, 3:30PM

177 Barnes Road, Oak Bluffs, MA 02557

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

Members Absent: Alice Goyert

Others Present: Garrett Albiston, Garri Saganenko, Hester Agudosi, Obi Agudosi, Jeffrey Lucier, Lisa Lucier, Gene Fredey, John Lolley

Meeting Called to Order at 3:30pm by Joan Hughes.

3:30PM – RDA for 7 Gorham Avenue M11 P331 Jeffrey Lucier, Request for Determination of Applicability for proposal to remove existing kitchen and decks and construct a 24' by 24' addition with new crawlspace within the 100-foot buffer to a 100-year F.E.M.A floodzone.

Jeffrey Lucier presented. He explained that the house was originally on wooden stilts that rotted away and were replaced by concrete walls to support the structure. The proposal will take 13 feet of deck and 11 feet of kitchen to create a 24' by 24' addition within the current footprint of the house. The house will maintain its "Campground Look." Mr. Lucier then indicated where the buffer zone and F.E.M.A. floodzones exist on the site plan. Joan Hughes asked about the crawlspace and Mr. Lucier provided some information. He also shared that no additional bedrooms would be added to the current bedroom allotment. Joan then asked, and Mr. Lucier affirmed, that the house would maintain the same footprint. Rose Ryley asked about the current foundation of the house. Mr. Lucier said there are two block walls that go down maybe two and a half feet. The house will end up being used to provide Mr. Lucier's daughter year-round housing. Joan Hughes explained that the house is in the bufferzone to the AE zone and not the VE zone and is pretty close to 100 feet away. Terry Appenzellar moved to issue a negative determination of applicability. Ron Zentner seconded. All present members voted Yes.

3:45PM – NOI for East Chop Drive/Crystal Lake M1 P21, 56, 58, 60, 61 SE053-0867 Mark Manganello on behalf of East Chop Association, Inc., Notice of Intent to implement a vegetation management plan including the creation of view corridors and maintenance activities within a Wetland Resource Area and a 100-Year F.E.M.A. floodzone.

Joan Hughes opened the hearing. There were no representatives for the East Chop Association present at the hearing. Joan then suggested that the hearing be continued until a later date. Terry Appenzellar recused herself from discussion and voting on the Notice of Intent. Sharon Cooke moved to continue the hearing until 9/8/22 at 4pm. Ron Zentner seconded. Sharon Cooke, Joan Hughes, Rose Ryley, and Ron Zentner voted Yes. Terry Appenzellar abstained.

4:00PM – Continuation of Hearing for NOI for 32 County Road M7 P95 SE053-0866 John Lolley on behalf of Spencer Rhoades, Notice of Intent to construct a detached garage within the 100-foot buffer to a F.E.M.A. 100-year flood zone.

Joan Hughes opened the hearing. John Lolley was not present at the time of the hearing. Joan suggested continuing the hearing. Garrett suggested 10/20 at 3:30pm as a date and time for the next hearing. Terry Appenzellar moved to continue the hearing to this date and time. Ron Zentner seconded. All members voted yes.

Sharon Cooke motioned to adjourn the meeting at 4:09pm. Terry Appenzellar seconded. All present members voted yes.

Other Business:

Minutes from 8/2/22 Site Visit -- Terry Appenzellar moved to approve minutes as written. Ron Zentner seconded. All present members voted Yes.

Garri Saganenko explained that a member can vote on the minutes of a meeting that they did not attend. Typically, a member abstains from the vote on minutes from a meeting that they did not attend, but as long as one member who attended the meeting is present and can attest to the accuracy of the minutes, then members who were not present at the meeting may vote on them.

Minutes from 8/4/22 Hearings – Terry Appenzellar moved to approve minutes as written. Sharon Cooke seconded. Terry Appenzellar, Sharon Cooke, Joan Hughes, and Rose Ryley voted yes. Ron Zentner abstained.

Garrett Albiston shared an update regarding East Chop Association's (ECA) vegetation management plan NOI. They are coming back for Phase 2 of the plan and Garrett needs to provide them with written permission. They are trying to do things [in Phase 2] that [do not align with] the Order of Conditions, including treating Area 7, which cannot be completed until Phase 3/third year of the project. ECA said foliar application is the most effective. Garrett agrees with that assertion but must defer to the Commission to make the final decision regarding this method of application. He is trying to see if the Commission will allow foliar spraying first *and then* clip and drip. Rose Ryley asked if this is a discussion or if a vote is required. Garrett said it is just a discussion and that a vote is not required, just getting the commission's guidance. Rose said she recalls there being three different treatments that they would do and that foliar was only one of them, and only for specific areas. Are they now asking to do other areas as foliar? Garrett gave an overview of the vegetation management practices they have engaged in thus far. He recommended that the larger areas previously foliar sprayed should now be clip and dripped and that new areas that were proposed to be foliar sprayed, may now be foliar sprayed. Rose, when are they thinking of doing this? Garrett, August 25th. I have to give them written permission before they do the work. Rose, are there signs up? Garrett, not yet because they haven't applied. Rose shared that everybody walking along this area should know that there is herbicide being sprayed; signs should make this very clear. Joan shared that she would be comfortable with Garrett making these recommendations and granting this request. Garrett also wants to require that the stems of treated/dead phragmites be removed, similar to last year. Garrett stated that if these measures aren't taken, then they will not be allowed to move onto Phase 3.

Joan Hughes shared with the Commission that Alice Goyert, a current member of the Commission, has retired and will leave her appointed position. Joan then shared that she would ask Alice if she would like to be an at-large member. This position would not have voting power but would allow Alice to continue to participate and share input on Conservation Commission matters.

Garrett shared that the Conservation Commission now needs 2 new commissioners to fill the 7-person board or else he might look into reducing the size of the commission from 7 to 5 members. Rose, it would be then 3 for a quorum instead of 4? Yes. Rose, why do we have 7 members? Sharon: Is it state mandated. Garrett: No. Members then discussed history of the composition of the Commission.

Garrett gave an update regarding buffer zone regulations. He said they have to be submitted by Sept. 9th and that this will be difficult to complete. Other Towns' regulations are not compatible with Oak Bluffs'. A committee will be required, and the regulations probably have to be built from the ground up. The Conservation Commission has already allowed new structures within not only the buffer zone, but the flood zone as well. Terry Appenzellar: Our regulations can't rectify past mistakes? Garrett Albiston: We need to make a [regulation]. Rose Ryley: Is that something we really want to say, no new structures? Garrett said these regulations might be better suited to change through the Board of Health, since no Town Meeting is required to change them. Conservation Commission regulations must go to Town Meeting. Rose Ryley: There's no way you can go to Town Meeting and say no building in the flood zone; Will people be given a window in which they can develop and pull permits?