



Town of Oak Bluffs  
Conservation Commission  
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Joan Hughes  
Chairperson  
Terry Appenzellar  
Sharon Cooke  
Rose Ryley  
Ron Zentner  
Board Members  
Garrett Albiston  
Conservation Agent  
Garri Saganenko  
Conservation Admin.

## Conservation Commission Hearing Minutes

September 22, 2022, 3:30PM

Hearing held at Oak Bluffs Town Hall

56 School Street Room 103, Oak Bluffs, MA 02557

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

**Members Absent:** Terry Appenzellar

**Others Present:** Garrett Albiston, Garri Saganenko, Sam Sherman, Arthur Peabody, Martina Gonsalves, Doug Hoehn, Darran Reubens, Mark Crossland, Kyle Crossland

### Discussions:

**3:30PM – RDA for 6 Anthier’s Lane M30 P1 Chris Alley on behalf of David L. and Kathleen M. White, Request for Determination of Applicability to construct a garage addition to an existing single family home within the 100 foot buffer zone to a 100-year F.E.M.A. flood zone.**

Sam Sherman presented. He explained that the existing garage will be expanded to add two bays, one for a car and one for a golf cart. He then demonstrated on the site plan the distance between the proposed project and the flood zone and wetland delineations. 137 feet and 70 feet 101 feet from edge of wetland. The 2nd floor is currently a bedroom over an existing garage. Bedroom will be pushed out and accessible only through the walk through office. Garrett shared that Garri and he visited the site and that it is as flat as a pancake, there should be no issue with runoff. Joan shared that the ConCom has been to the home of the previous owner many times, everything here already meets regulations very well. Joan: You are out of the flood zone and out of the wetland buffer zone. It was then noted that a discrepancy exists between sets of plans provided to the Conservation Department and those being presented at the meeting. It involved the distance between the proposed structure and the zones of wetland jurisdiction. The drawing presented by Sam Sherman showed a distance of 101 feet, the drawing submitted to the Conservation Department showed 97 feet. Sam Sherman explained: extra feet had been added for roof overhang. When Chris Alley and Sam Sherman reconciled plot plans, they used the edge of the structure, not the roof overhang, to determine distance from the wetland. After clearing up the discrepancy, Joan expressed no issues with the proposed project.

Ron Zentner moved to issue a negative determination of applicability. Sharon Cooke seconded. All members voted Yes.

**3:45PM – NOI for 17 School Street M11 P335 DEP# SE053-0868 Douglas Hoehn on behalf of Lucy Thomson and Arthur Peabody Jr., Notice of Intent to remove existing dwelling, pump/fill cesspool, construct new dwelling, tie into town sewer, landscape, and related site activities within a 100-year F.E.M.A. flood zone as well as an MA DEP designated wetland.**

Doug Hoehn presented. Based upon input at the site visit, Doug revised the site plan to remove a portion of the building that previously stood within the actual wetland. He shared that the existing building is completely within the flood zone and a portion of the property is within the wetland. He intends to raise the building up on piers, and create a larger building. He shared that the project has been approved by the MV Commission, the Zoning Board of Appeals, and the Historic Commission.

Darran Reubens then began to present. He added that he and his architects removed a major staircase at the request of the Commission. He assured the Commission that builders will be careful when digging holes for the stilts. Joan asked if they would hand dig the holes for the pilings. Darran said that near the wetland they will hand-dig and that elsewhere they will be very careful. He then shared that the former structure was 1493 square feet and that this new structure will be 1943 square feet. He has a letter from the wastewater department that confirms the ability to tie into the town sewer after approved building plans demonstrating the bedroom count are provided to them.

Doug then shared that, from a zoning standpoint, the structure is currently not conforming in terms of setbacks but that after the rebuild it will conform.

Sharon Cooke asked if the drawings of the french drains and sonitubes have been corrected. Darran said Yes.

Joan shared that in terms of [the Conservation Commission's] current regulations, the project meets everything required. It is out of the wetland and completely in the buffer zone; the first building we've seen in the first 50 feet of the bufferzone. Its footprint is grandfathered in and the ZBA can't do much else in terms of requiring alterations. I also understand that once you follow the correct setback for the ZBA that if you now put another major setback from the wetland then you're left without a building site.

Joan continued: It's a difficult site, periodically underwater with roughly 3 feet of new water coming in soon. The question is, how much do we want to put in these areas that are going to be flooded? It is probably the first of these applications asking us to do something other than what we've allowed previously. We have never allowed anybody to encroach upon the wetland. How will the work be done without being in the wetland itself? There should be no stockpiling of materials within the wetland. We'll also ask you to use compatible, native plants.

Ron Zentner moved to approve NOI for remove existing dwelling, pump/fill cesspool, construct new dwelling, tie into town sewer with the conditions of no work being done within the wetland, to protect the wetland as best as possible during construction, and with a future landscape plan to be submitted at a later date.

Members then clarified that a landscape would indeed need to be submitted at a later date.

**Sharon Cooke seconded. All members voted yes.**

**4:00PM – Continuation of Hearing for NOI for 19 Mill Square Road M3 P19 Mark Crossland on behalf of Abby Sage, Notice of Intent to landscape on a property both within the 100-foot buffer as well as the 100-year F.E.M.A flood zone.**

Kyle Crossland presented along with Mark Crossland. Kyle shared that he changed the proposed planting of Privet to Bayberry and asked his client for suggestions on shrubs. Some of the shrubs included: firelight hydrangea, pink berry, bayberry, rosa rugosa.

Kyle asked where to find an invasive species list. Joan shared it can be found on trustees website, polly hill website, or state DEP website.

Ron Zentner moved to approve NOI for landscaping at 19 Mill Square Road. Sharon Cooke seconded. All voted Yes.

Sharon Cooke made a motion to adjourn. Rose Ryley seconded. All yes. 4:17pm

### **Other Business:**

Ron Zentner moved to approve the minutes of the 9/6/22 Site Visit as written. Rose Ryley seconded. All voted Yes.

Garri Saganenko mentioned that he incorrectly wrote Terry Appenzellar abstained from a vote on East Chop Association's application. Terry recused herself from discussion and voting. The mention of abstention will be deleted. Ron Zentner also noted instances of the incorrect spelling of his name, this will also be corrected.

Ron Zentner moved to approve these minutes with the noted corrections. Sharon Cooke seconded. All members voted yes.

Garrett shared that he met with MVC, Liz Durkee, Adam Turner, Terry Appenzellar, and Bill Cleary. They discussed the salt marsh migration study. A potential "DCPC" was suggested. 12 houses will be affected by the salt marsh migration. The MV Commission would like to purchase homes, raise them up, and pull out septic systems. The Board of Health might be involved, stopping nitrogen from coming into the ponds.

Rose Ryley asked, "This is only Oak Bluffs, what about Edgartown?" Garrett, Edgartown will be included. Liz Durkee will lead this project.

Joan also attended the meeting and deferred to Garrett and Bill Cleary on the matter since it is more of a Board of Health project than that of Conservation. Joan: The Conservation Commission doesn't have regulations for this.

Sharon Cooke: Have they specifically identified the properties? SC. Yes. Rose Ryley: Do the owners know?

Garrett: Not yet, GA.

Garrett shared that the next meeting will be 10/6 at 268 East Chop Drive only. Joan shared that we should do that at the sailing camp.

Sharon asked for an update on 5 members versus 7 members. Garrett, still looking into this, needs to talk to the town administrator to show her paperwork that would allow the change.

Next meeting will be executive sessions, following meeting 10/20 you can vote to go down to five.