

Conservation Commission  
Minutes July 16, 2014 12:30 PM Town Hall  
FINAL

Present for the Conservation Commission and attending the meeting were: Sandy Broyard, Chairman, Candy Shweder, Vice Chairman, Pam Goff, Chris Murphy, Maureen Eisner, Joan Malkin, Bob Hungerford, Wesley Cottle and Chuck Hodgkinson. Reid Silva, Chris Alley and Owen White also attended.

The meeting came to order at 12:30 PM.

**NOI SE 12 - 708; ALEX NOE AND JOSH SCOTT; 2 Young's Way;**

**AP 25-237, 29-18:** The public hearing was opened at 12:31 PM. Mr. White reviewed the plan to enhance and maintain the water view from 2 Young's Way by removing six Red Maple trees and replacing them with 15 native shrubs on the adjacent property (Map 29 Lot 18). A section of the existing walking path will be relocated onto Map 25 Lot 137. Native shrubs will be planted in the path's original location on the adjacent property (Map 29 Lot 18) and the owner has approved the plan. Several invasive Gray Willow, Eastern Red Cedar and Black Cherry trees will be removed on Map 25 Lot 137. Selective pruning will also be done. The tree removal, pruning and new path work will take place in a Bordering Vegetated Wetland and the 100-foot buffer zone for the wetland. All work will be done by hand and the tree stumps will be flush cut. The Commission discussed that the primary canopy for this lot is shrub land that is approximately 8 feet high. Much discussion ensued about whether or not this is a rare and unusual circumstance that would be allowed by a Variance as outlined in Section 5.01 of the Town's Bylaws Regulations. The Commission concluded that the proposal will not destroy the vegetation as defined in the regulations. The Commission agreed each application is unique and should be evaluated on its own merits and site conditions.

With no comment from the public a motion was made to close the hearing at 12:55 PM. The motion was seconded and unanimously approved. A subsequent motion was made to approve the plan as presented and dated 6/3/14 because the proposal will not change the condition of the resource area and therefore, not impair the performance or function of the wetland. The motion was seconded. In discussion the following special conditions were agreed for an approval: 1. Perpetual maintenance of the view shed is allowed provided the maintenance plans are reviewed with the Conservation Agent (CA) before work begins and all conditions of this Order are met. 2. All current and future work shall be done by hand and all debris shall be removed from the resource area and buffer zone by hand. 3. The red maple stumps shall be left in place and the area re-vegetated with native shrubs. 4. The old path shall be re-vegetated with native shrubs. 5. The maintenance of the path must also be reviewed with the CA before work begins. The motion came to a vote and passed with six in favor and one abstention (Ms. Malkin).

**CONTINUED PUBLIC HEARING NOI SE 12 – 706 REID SILVA FOR RMJ DOCK, LLC 16 Harbor Hill; AP 27.1-104:**

Ms. Broyard confirmed the eligible voters for this hearing are Commissioners Broyard, Malkin, Goff, Hungerford, Cottle and Eisner and opened the continued hearing at 1:06 PM. Mr. Silva summarized the history of this old dock and said he recommended the owner re-design a better dock in the same footprint to today's standards. The owner intends to obtain a Chapter 91 license

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for the newly designed dock and the plan will be submitted to the Army Corps of Engineers. While reviewing a site plan dated 7/11/14 Mr. Silva explained the support spiles will be 12 inches in diameter and spaced between 8-10 feet apart. The area of disturbed land under water will remain at less than 20 sq. ft. The DEP comments were read for the record. Chuck H. will check the winter flounder spawning season blackout dates that were issued for the Coast Guard's Menemsha Boathouse construction. With no comment from the public a motion was made to close the hearing at 1:20 PM. The motion was seconded and unanimously approved.

A subsequent motion was made to approve the plan as presented and dated 7/11/14 with the following special conditions: 1. Perpetual maintenance of the dock is allowed provided the maintenance plans are reviewed with the Conservation Agent before work begins and a Chapter 91 license is obtained. 2. Pressure-treated spiles shall not be used. Greenheart spiles are preferred. 3. No floating docks are allowed. 4. No in-water work shall be done between January 15 – May 15 to protect the winter flounder spawning season. 5. All construction debris shall be removed from the site daily or stored in a covered dumpster located outside the resource area and buffer zone. 6. All standard equipment safe-fueling procedures shall be observed. The motion was seconded and with no further discussion passed unanimously with six in favor.

**DISCUSSION CHRIS ALLEY FOR SPRING POINT AP 8-7:** Mr. Alley thanked the Commission for its time and asked for comments on a prospective site plan to develop the last vacant lot in Spring Point. The proposed house location is approximately 60 feet from a wetland edge and the driveway will also pass through the wetland buffer zone. The Commission clarified that any comments made are not binding. After much discussion on alternative locations outside the buffer zone the Commission said the house should be located outside the buffer zone because there is space to do so.

**ADMINISTRATION:**

The July 2, 2014 meeting minutes were reviewed and approved by consensus.

The Perry Hicks invoice for \$1,824 was approved for payment out of the Commission's Wetland Defense Fund. All permit fees are placed in this fund for the Commission's ability to obtain legal opinions.

The following documents were signed:

Order of Conditions SE 12 – 706; RMJ Dock, LLC AP 27.1-104.

Order of Conditions SE 12 – 708; Noe, AP 25-137.

Perry Hicks invoice.

The next meeting will be Wednesday, July 23, 2014 @ 11:00 am for the continued hearing of Fool's High Tide, LLC Notice of Intent; SE 12 – 702; AP 32-68.1.

Respectfully submitted by Chuck Hodgkinson, C.A.S.