

DATE: January 25, 2018
TO: Board of Selectmen
FROM: Conservation Commission
SUBJECT: Aquinnah Lot "F"; Brian Vanderhoop Order of Conditions

The Commission held the public hearing to review the Notice of Intent filed by Brian Vanderhoop for the maintenance of the portion of the dock and the three free-standing spiles that are located in Chilmark waters of Menemsha Basin.

The Commission voted to approve the Order of Conditions with the special conditions as outlined below.

The requests from your Board and the Harbormaster to have the three free-standing spiles removed because they are a hazard to navigation are not within the Commission's jurisdiction. The Commission oversees the regulation of water resources which in this case is land under water.

The Town's Wetland Protection Bylaw has regulations that allow the maintenance of pre-existing structures that may have been installed within a resource or resource buffer zone before the regulations were adopted. This was included because there were many pre-existing structures in Town that are within established resource areas.

Special Conditions:

Subject to comment from the DEP, the maintenance of the section of pre-existing dock with two spiles and the three free-standing spiles in Chilmark waters of Menemsha Basin as shown on the Schofield, Barbini & Hoehn site plan as revised and dated 12/19/17 are approved with the following special conditions:

1. Any future maintenance plans for any elements of these structures shall be reviewed and approved by the Conservation Commission or its designee before any work begins.
2. Any maintenance or other work on pre-existing structures that may be on an abutter's assigned lot or owned by the abutter shall have a letter of consent from the abutter for the work and the desired work shall be reviewed and approved by the Conservation Commission or its designee before any work begins.
3. Should the Harbormaster or Board of Selectmen decide the three free-standing spiles located in Chilmark waters of Menemsha Basin as shown on the site plan dated 12/19/17 should be removed, the work shall be reviewed and approved by the Conservation Commission or its designee before any work begins.