

Conservation Commission Meeting – July 29, 2015 Minutes

Time: 7:30 PM –8:55 PM

Location: Police Station (Humphrey St.)

Members Present: Mark T. Mahoney, Chair; Tom Ruskin, Vice Chair; Nelson Kessler; and Toni Bandrowicz

Members Absent: Robert Salter; Marc Andler; and Monica Tamborini

Others Present: Applicants and/or their consultants for 245 Puritan Road, 29 Rocklyedge Road, and 80 Shepard Avenue (Beach Club) projects; and residents from the Beach Club neighborhood (attached sign-up sheet)

245 Puritan Road

The meeting was called to order at 7:30 pm and began with a continuation of the proposed construction of a garage structure at 245 Puritan Road. As requested at the last Commission meeting, the architect for the project had (1) revised the plans to elevate the project 18” above ground to allow flood water to pass through, as required under FEMA standards; and (2) eliminated the plan to pave the existing driveway with asphalt. As these changes addressed Commission concerns, Mr. Ruskin moved to issue an Order of Conditions (OOC) for the project, which was seconded by Mr. Kessler, and unanimously approved. The Commission will draft an OOC.

29 Rocklyedge Road

Next taken up was the Request for Determination of Applicability (RDA) for proposed construction of a bluestone pad and canopy for the entranceway at 29 Rocklyedge Rd. Architects for the project provided the Commission members with a copy of a newspaper notice, return receipt card to Mass. Dept. Env. Protection, and copies of photos of the project area. The architects then reiterated the project basics, as listed in the bullets in the narrative provided on the RDA form, noting in particular that, although the activity is within the buffer zone to the coastal bank, all work will be done by hand within the courtyard of the existing structure. Mr. Ruskin moved to issue a negative determination, seconded by Ms. Bandrowicz, and unanimously approved. In response to a question from the architects as to the timing, the Commission indicated that the negative determination should be issued within 10 days, but also pointed out that there is an appeal period.

80 Shepard Avenue (Beach Club)

Next the Commission proceeded with the hearing on the Notice of Intent Application submitted for the tennis court and pergola improvements at the Beach Club. The

hearing began with a presentation by the President and Vice President of the Beach Club and the Beach Club's architects and attorney (hereinafter referred to as the project proponents).

With respect to the pergola, a new pergola had been put up, but has since been taken down, and no further work done to date. The plan is to build a new pergola in same footprint since the old pergola had been destroyed. Mr. Mahoney questioned whether there was a concern building it in same place. Project proponents said that the previous pergola had been made of inappropriate material and so had rotten, and then the surf this past winter finished it. The new pergola will have different construction, made of lattice, and be lighter. Project proponents feel a pergola, which provides shade, is important to health of its members some of which suffer from skin ailments.

In response to a question about drainage, project proponents said that there is a drain, and the tennis courts slant down to it, so there is no run-off on 3 sides of property.

In response to another question from the Commission, project proponents said that the Beach Club decided to resurface the tennis courts in March, and then did the work in April. It was explained that there was a miscommunication, that the Beach Club thought that the Conservation Commission was aware of the project through the building inspector to which it had sent information.

An issue about the depth of the resurfacing of the tennis courts and whether or not a chemical had been used to etch the concrete prior to painting had been brought to the Commission's attention, thus leading to the requirement for submission of an NOI. If it had just been a skim coat, the Commission would have considered it de minimus, but it was a thicker coat. This fact, together with the issue of the light pole bases being excavated, led the Commission to conclude that the project proponents needed to submit a NOI.

While Commission cannot address issue of the light poles themselves under the Wetlands Protection Act, the fact that there was excavation for the bases does bring it within the purview of the statute. It was explained by the project proponents that the bases have been put in now, and refilled and vegetated.

Attorney Scott Burke then raised concerns that he, as a resident in the area, as well as other in the neighborhood, had about the work that had been done. He presented several blown up diagrams of the site along with a list of town bylaws. He said that the Beach Club had not acted in a forthright way, noting what he saw as inconsistencies in the planning documents and what the Beach Club had said regarding the work, in particular the amount of concrete poured on the tennis court so that the height was most likely raised more than the "approximate 4'" stated on the diagram.

It was pointed out that amount of concrete was not relevant in the Beach Club area, which is coastal flood zone, and not an inland flood zone. Only if a significant amount of material (in terms of feet not just inches) was used would it most likely make a difference in flooding effects. However, the Commission believes that the Beach Club needs to provide information on the topography of the tennis courts so as to confirm the height it was raised to.

With respect to the resurfacing of the courts, Mr. Scott believes that it is necessary to treat the surface with chemicals before painting, and the neighbors noted containers of chemicals on site. The Commission agreed that the Beach Club needs to provide information on the resurfacing process that was done and whether etching chemicals were used and, if so, to also provide copies of the MSDS sheets for those chemicals.

As for Mr. Burke's concern over lighting and its effects on wildlife, again the Commission noted that the installation of light poles are not within the jurisdiction of Commission, the only issue for the Commission is whether the excavation of the lighting pole bases had an adverse impact. The project proponents observed that there are town lighting bylaws that the Beach Club is subject to that address environment concerns. It was also stated that there are currently no plans for installing light poles.

Also noted that the bylaws handed out by Mr. Burke deal with zoning, not within the authority of the Commission.

Mr. Mahoney observed that many of the issues raised could have been avoided if there had been better communication between Beach Club and neighbors and urged establishment of a liaison relationship going forward.

Joanna Simons spoke about how, in the past, there had been a more open relationship, but, in recent times, there had been little communication and neighbors had to actually observe chemicals on the property before knowing what was being done on the property. The Beach Club indicated a willingness to establishing a better liaison relationship with neighbors. Ms. Simons also provided the Commission with copies of articles on the negative effects of light pollution on wildlife.

Paul Levenson spoke about how an earlier permit had required there be a liaison relationship between Beach Club and neighbors and so he believes it was binding on the Beach Club to communicate with neighborhood before doing the recent work at the property. He also observed that the Beach Club is in a complex ecological area (with beaches, a great pond, tidal action, etc.) and that adding inches to height of the tennis court could increase flow off the property and flooding of his driveway.

Joseph Burke spoke about sewer backup problems in the area.

In conclusion, this matter is continued to the next meeting (at a time and place to be determined) at which time the Beach Club will provide a topographic survey of the tennis courts and information about the process and chemical used to resurface the tennis courts.

Donation of Land (Lexington Circle)

Regarding the potential transfer of ownership of a portion of property located off Lexington Circle to the town, Mr. Mahoney informed the other members that he had visited the site to observe the general conditions of the property the owner wishes to transfer, which is adjacent to the old rail way bed. After a brief discussion, the Commission voted to recommend to the town that it accept such transfer of property, by motion of Mr. Ruskin, seconded by Mr. Kessler, and unanimously approved. Ms. Bandrowicz noted that she would see if the Open Space & Recreation Plan Committee would also support such transfer.

29 Northstone Road

The Commission discussed and Mr. Mahoney will move forward with sending letter to the owner of the property that he submit a Notice of Intent for the new stairs.

Approval of July 6, 2015 Minutes

The Commission unanimously approved the July 6, 2015 minutes with the edits provided by Mr. Mahoney.

Meeting was adjourned at 8:55 pm.

Submitted by Toni Bandrowicz

Conservation Commission 7/29/15

Jo Ann Simons

Jim Bull

Scott D. Burke

Paul P. Johnson

Sheryl Levenson

DAVID BISHOP

Sarah Brogna

Martin Grosso

Peter Tobin

JAMES IVERS

JENNIFER Bishop

Lucy Grass

Sarah Pruett

John W. Fuller

Gary Burre

JOE STAPP

CHET DEER

JOEY BURK

ROBERT CARRELLI

Thomas Regan

Christy Gabu

JAMES FROWNE