

Present: Chairman Jay Putnam, Vice Chair DeeDee Holt, John Geiger, Robert Lear, Paul Chamberlin, Billie Bates Carol Scott, Conservation Agent Kristin Andres and Secretary Mary Fougere.

Conservation Land Management, Proposed bylaw amendment: The Agent had presented the proposed bylaw amendment to the Selectmen Tuesday, February 8, 2010. There are many Land Management issues that the Commission must consider, one of which is improvement of public access . The proposed bylaw amendment would re-zone conservation lands from current residential zoning to Municipal Conservancy (MC). This change in zoning would provide flexibility in designing parking areas for public access. Current residential and small business zoning would require parking areas be sited 40-60 ft into the parcel.

Victor Di Cristina, Chairman of the Land Bank Committee, was in the audience. The Land Bank Committee was responsible for negotiating the purchase of several of the properties, including the McCoy Tree Farm and Sylvan Gardens. He stated that this was an important issue that would need to be addressed with regard to public access to Sylvan Gardens. The comprehensive plan for the management of the property will soon be developed by a consultant.

During the discussion with the Selectmen, Ms Andres had felt that there is a disconnect between what the Commission is trying to accomplish and what is perceived by those concerned as construction of parking LOTS. The parking areas that the Commission would consider are similar to the existing pull-off areas around the Training Field Triangle. Commissioner Chamberlin acknowledged the abutters' fears, but stated that the interest was not in creating parking *lots*, but rather small parking areas to service the public's use of the conservation properties. The problems associated with deep-set parking areas are well-documented. Examples of dumping and other inappropriate activities are common occurrences on town properties where there is a parking area out of site. The creation of parking areas setback into conservation lands is also counterintuitive to the protection of these lands for conservation.

The Commission has oversight over many of the town-owned public lands, specifically those acquired for conservation purposes. There is an expectation in the community that conservation lands purchased with public monies should be accessible. This was particularly true especially with the Cedar Street, McCoy Tree Farm, Sylvan Gardens and Valley Farm purchases. Currently public access is not denied, but there is no easy way for the general public to access the properties except by foot.

The Commission considered the following options:

- Dropping the amendment consideration
- Consider submission of a bylaw amendment for spot zoning for three larger parcels; Sylvan Gardens, McCoy Tree Farm and Valley Farm Drive. It was noted

that the gift of land from the Loyola family was crucial to establishing public access to Sylvan Gardens.

From the audience, Gloria Freeman urged the Commission to proceed on the creation of public access. She felt that the Commission could apply to the Zoning Board of Appeals for a Special Permit under the current bylaw and fulfill the requirement of having a public hearing on the application. The Commission believed that under the current zoning, an application for parking within a setback would require a variance from the ZBA, not a Special Permit.

From the audience, Norman Pacun supported the Commission's oversight of the aforementioned parcels and urged the Commission to table the issue for a few months and then review the idea of spot zoning. It may be beneficial to narrow the scope of the proposed bylaw amendment. Additionally, he felt that a Variance may be granted by the ZBA, although Ms Andres noted variances are granted in rare cases when hardship is demonstrated and that it would seem impossible to do so in this case. .

Commissioner Geiger motioned to form a subcommittee that would spend time refining the amendment proposal. Carol Scott seconded. The vote was unanimous in favor of the proposal. It was agreed that Commissioners Geiger and Holt would comprise the subcommittee.

24 Salt Pond Road, Adam Klein// Lindsay Boutros-Ghali, SE 10-2615: The hearing was re-opened for a Notice of Intent (NOI) for the proposed construction of a stone cap for an existing stone revetment at 24 Salt Pond Road. Bob Perry of Cape Cod Engineering has provided a work protocol. A file number has been received from DEP.

It was moved, seconded and voted to close the hearing.

24 Salt Pond Road, Klein/Boutros-Ghali, SE 10-2615: It was moved and seconded to approve the Cape Cod Engineering plan dated December 14, 2009 for the project at 24 Salt Pond Road. The vote was 6-1 in favor of the motion. **An Order of Conditions was written.**

14 Homestead Ln, Griswold, SE 10-2585: It was moved, seconded and voted to approve the J M O'Reilly plan dated October 5, 2009 revised November 12, 2009 for the construction of two additions at 14 Homestead Lane. **An Order of Conditions was written.**

334 Morris Is Rd, Guiney, SE 10-2608: It was moved, seconded and voted to approve the Clark Engineering LLC plan dated 12/21/09 revised 2/8/10 for the project at 334 Morris Island Road. **An Order of Conditions was written.**

37 Chatharbor, Cramer, SE 10-2548: It was moved, seconded and voted to approve the Clark Engineering LLC plan dated October 20, 2008 revised December 15, 2009 for the demolition and reconstruction of a single family dwelling at 37 Chatharbor Lane. **An Order of Conditions was written.**

325 Fox Hill Road, Eastward Ho!, SE 10-2603: It was moved, seconded and voted to approve the Coastal Engineering Company Inc plan dated December 1, 2009 revised 1/25/10 for the proposed work at the maintenance buildings. **An Order of Conditions was written.**

The Zoning Board of Appeals (ZBA) had requested comment on the following:

- **20 Shore Road, Pinkert, SE 10-2593:** A previously written comment letter was reviewed; slight changes were made. The revised letter will be sent to the ZBA
- **236 Stage Neck Road, Hough, SE 10-2601:** The Commission reviewed a draft letter; the Commission approved the draft as written that would be sent to the ZBA
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Approval of Minutes: The minutes of January 13, 2010 and January 27, 2010 were approved as written. The minutes of January 20, 2010 were approved as amended at the table.

The following projects were reviewed and approved under an Administrative Review:

- **60 Squanto Drive;** Removal of dead tree with a request to plant another tree elsewhere on the property.
- **6 Trout Pond Lane:** Removal of dead trees with a request to plant a replacement tree

Certificates of Compliance were signed for the following projects:

35 (Lot 1) Northgate Road, MAnteiga, SE 10-1997

35 (Lot 1) Northgate Road, MAnteiga, SE 10-2399

59 Barcliff Avenue, Borkoski, SE 10-2385:

Edson property: Ms Andres stated that the Edson family has accepted \$1.425 million from the Land Bank for the purchase price of the Edson property. The Conservation Foundation will contribute 10% of the purchase price, the CPC approved an application for CPA monies in the amount of \$500,000, and Land Bank monies will fund the balance.

The family will retain two lots; the purchase will be for one commercial lot fronting on Main St (Rt 28) and the rest of the parcel along Main Street and Lime Hill Road.

Bridge Street Bridge: Ms Andres had received notice from MASS DOT that they will be completing test borings in the area of the Mitchell River Bridge as part of the comprehensive program involving the bridge replacement.

MASS DOT is exempt from review by the Commission under the WPA and local wetlands bylaw..

26 Salt Pond Road, Holmes: Ms Andres was in receipt of a letter from Bob Perry of Cape Cod Engineering informing the Commission of the need to nourish in an area of end scour along the revetment at 26 Salt Pond Road. Mr. Perry estimates that 30 cu yds of material will be necessary. The use of snow fencing, as proposed, in the end scour area was discussed. The Commission felt that the fencing was beyond the scope of the project and a filing would be necessary to install fencing.

Mr. Holmes has a maintenance clause in the Order of Conditions that allows this work to proceed.

Membership: Commissioner Geiger submitted a draft letter for the Commission's consideration regarding the on-going search for Associate Members for the Commission.

Several Commissioners felt that some type of membership letter could be submitted to various groups for consideration/inclusion in newsletters that go out to members.

Reminder: March 1, 2010- Continued hearing for Eastward Ho! Shorefront Protection

Reminder: Contractor Workshops are scheduled for February 23, 2010 and March 18, 2010. The first workshop will be conducted by the Agent and the Assistant Agent. The second workshop will have guest speakers, who will be paid for from the Conservation fund.

It was moved, seconded and voted to allow money from the Conservation fund be used to support the workshops. The vote was 7-0 in favor of the motion.

Adjourn: It was moved, seconded and voted to adjourn the meeting at 6:30 PM.

Respectfully submitted,
Mary Fougere, Secretary