

**GOSNOLD CONSERVATION COMMISSION**  
**February 9, 2024**  
**10:30 am via Zoom and in person at Town Hall**

**Present:**

Conservation Commission: David Warr, Chairman; Wyatt Garfield, Chris Hart, Leo Roy, and Lisa Wright. Other attendees included Selectboard Chair Gail Blout, Reid Silva from Vineyard Land Surveyors, Tally Garfield, Eric Graham, Jennifer Graham, Jeanne Hinrichs, and Sean Uiterwyk.

The meeting of the Town of Gosnold Conservation Commission (GCC) was called to order by Chairman David Warr at 10:30 am.

**1. Approval of Meeting Minutes of December 8, 2023**

Chairman Warr welcomed our guests and said that he had reviewed the minutes, was okay with them, and asked the members if they had had a chance to review them.

*Mr. Hart made a motion to accept the December 8, 2023 meeting minutes as written and distributed. Mr. Garfield seconded the motion. There were four votes in the affirmative, and an abstention from Mr. Roy, as he did not attend the meeting. The motion carried.*

**2. Public Hearing on Notice of Intent for Graham House Project, Blue Heron Drive, Cuttyhunk Island.**

Chairman Warr opened the Public Hearing pursuant to Massachusetts General Laws Chapter 131, Section 40, and asked who would be presenting the project for a new single family residence to the Commission. Reid Silva from Vineyard Land Surveyors said that he was the engineer for the project for a new residence on an existing vacant lot. Mr. Silva said that there was a wetland valley that bisected the property, and that the resources included that wetland system and the coastal bank. He said that there was only one area on the west side suitable for a house site, and that there was an area with better draining soils on the east side for the septic system. He said that the house site was at elevation 30, 30 feet from the top of the coastal bank and 51 feet from the wetland. He said that the septic system was at elevation 23. Mr. Silva said that the site was accessed from the 40 foot right of way, and that they planned to install siltation barrier at the road and areas of disturbance at the house site and septic site. He said that they had not prepared a full grading plan as there wasn't going to be any big changes in the site grades. He said that they were considering a pier foundation. Property owner Eric Graham said that they were still exploring construction methods for the house, and were considering a Superior Wall modular insulated panel foundation set on a bed of gravel.

Chairman Warr said that the Commission was concerned about access to the site for construction because all materials had to come across Churchs Beach. Mr. Silva said that if they went with modular construction the largest component would likely be 12 foot wide by 30 foot long on a trailer, but if modular was not feasible they would consider panel construction. Mr. Warr said that it was hard to approve the project without knowing how the building materials would get to the site. Mr. Silva said that they were aware of the constraints of the access across the beach, but that there were no similar constraints on the project site, which is the subject of this hearing. He said that if the GCC was okay with the project as proposed, the Applicant could come back with access information once the construction method had been determined. Mr. Warr disagreed, saying that we needed to know how the materials were getting to the site, particularly in light of the recent storms and damage to the beach and the road.

Mr. Garfield said that as a resident of Copicut Neck, and with the experience of building houses on the Neck, along with Mr. Hart, he felt that now was actually a good time to cross the beach, as most of the vegetation had been wiped out by the recent storms. He said that Don Lynch had done a good job protecting and building the road back up. Mr. Silva said that it was not uncommon for a Conservation Commission to approve a project subject to the Applicant coming back with additional information. Chairman Warr said that the GCC had required all previous projects on the Neck to present their plan for material access, and that he felt that it was part of the project, as Churchs Beach was a fragile environment. Mr. Graham said that he and his wife Jen had thought a lot about the project, as they care for the environment, which is why they are planning a small structure with minimal impact on the site. Mr. Hart said that we all know that it is difficult to get to the Neck, but that we should focus on the site issues, as Mr. Graham had the right to use the road across the beach to access his site.

Mr. Roy said that he was curious about protection of the coastal bank, and whether the Grahams planned to access the water directly from their house and build a dock, as those actions would be subject to GCC review. Mr. Graham said that they planned to access the water by the existing path on the east side of the lot, and were not planning to build a dock. Mr. Roy noted that the house was proposed to be built in the buffer zones of both the wetland and the top of coastal bank, and that if the project was approved, no future armoring of the coastal bank to protect the house would be allowed. Mr. Silva agreed. Mr. Hart asked about the grading around the proposed septic system, as there was a 4 foot grade change from one end to the other. Mr. Silva said that the area around the septic system would be graded to be flat.

Chairman Warr said that he was okay with the site plan as proposed, but that he did not want to approve the project without information on how the building materials would be delivered. Mr. Graham said that they were discussing the pros and cons of various

construction methods with different builders. Ms. Graham said that they had wanted to understand the GCC's response to the project before going too far, but that they preferred modular or panel construction to "stick built". In response to a question, Mr. Graham said that they hoped to begin construction as soon as they had all their approvals, hopefully in May. Ms. Blout said that the Town was concerned about protecting the underground utilities in the road on Churchs Beach. Mr. Silva replied that the loads were not a concern for road, but that it was the geometries of fitting around the corners, not the weight, which was the concern for access. Mr. Warr said that he wanted to move to continue the hearing until we had the information he wanted. Mr. Garfield said that he was in favor of approving the project with conditions. Ms. Wright asked how we could write the Order of Conditions without the requested information. Mr. Warr asked if the Applicant could have the information in the next two weeks, and Mr. Graham agreed that they could.

*Chairman Warr made a motion to continue the Hearing until February 21, 2024 to allow the Applicant to present additional information on the proposed construction method for the dwelling. Ms. Wright seconded the motion. There were five votes in the affirmative. The motion carried.*

### **3. Public Hearing on Request for Determination of Applicability for replacement of the Public Toilet Building at the Town Dock by the Town of Gosnold**

Chairman Warr opened the Public Hearing pursuant to Massachusetts General Laws Chapter 131, Section 40, and asked who would be presenting the project for replacement of the Public Toilet Building to the Commission. Selectboard Chair Gail Blout said that the Town of Gosnold has wanted to improve the public restrooms at the Marina for many years, and we received a grant from the state Seaport Economic Development Council to do so. She said that the building was basically being replaced in kind, on approximately the same location. She said that the new building would be concrete block construction to be more flood and storm resilient, and that the new building would be accessible. She said that the Town had already approved matching funding from the Harbor Special Projects fund. She said that the Town was seeking a variance from the state building code to allow the building to be rebuilt at a slightly higher elevation, but not above the flood zone, as that would require it to be built 9 feet off the ground. Ms. Blout said that the project was in the buffer zone of resource areas, but was in an existing paved parking lot, and as such was a non-significant, minor activity. In response to questions, Ms. Blout said that the building would use the existing septic holding tank, pump chamber, and leach field, and that there would be some excavation for the new foundation.

Chairman Warr said that he was okay with the project as proposed, and Mr. Garfield and Mr. Hart agreed, saying that any impacts were minimal. The sense of the meeting was that the project could proceed without further Wetlands Protection Act permitting.

*Mr. Roy made a motion to close the Hearing and for the GCC to make a Negative Determination of Applicability because the Public Toilets Building replacement project is within the Buffer Zone, and will not further alter an area subject to jurisdiction under the Wetlands Protection Act, and therefore the project does not require further permitting, such as the filing of a Notice of Intent. Mr. Hart seconded the motion. There were five votes in the affirmative. The motion carried.*

Mr. Roy offered to prepare the necessary paperwork (RDA DOA Form WPA-2) for GCC signatures.

#### **4. Certificates of Compliance for Water Projects**

Chairman Warr said that he had completed the Certificates of Compliance for the Water Distribution and Stormwater projects, and had signature pages for Commission members.

#### **5. Public Comment**

There was no further public comment. Chairman Warr said that the GCC was looking forward to receipt of an application for a Certificate of Compliance for the Community Stable project on Naushon. He said that our next meeting was scheduled for February 21 at 1pm, and that future meetings were scheduled for March 18, April 22, and May 13. Mr. Warr said that the GCC was in receipt of a letter from the Garfields in response to the questions raised at our last meeting.

#### **6. Adjournment**

The meeting was adjourned at 12:00noon.

Respectfully Submitted  
Leo P. Roy

Approved February 21, 2024