

Conservation Commission Minutes
Tuesday, October 18, 2011
Town Hall Meeting Room, Old Town Rd.
4:30pm

Present: Members: Chair Ned Phillips Jr., John Hopf, Donald Littlefield, Leslie Slate, Fred Leeder, Marea Mott, and David Roosa. Also present was Terri Chmiel for the recording of the minutes.

Call to Order

Chair Mr. Phillips, Jr. called the meeting to order at 4:30p.m.

Approval of Minutes of September 13, 2011

A motion was made by Mr. Littlefield and seconded by Mr. Leeder to approve the minutes of September 13, 2011. The motion carried with all in favor.

6 Ayes (Phillips, Roosa, Littlefield, Slate, Mott, Leeder) 0 Nays
1 Absent (Hopf)

Long Boat Key Tavern, LLC. Plat 5, Lot 5-3. Advisory to the Zoning Board of Review for an application for a Special Use Permit under Section 506(G)(2) to build a four bedroom single family dwelling and a denitrification OWTS.

Orlando Capital Enterprises, LLC. Plat 5, Lot 5-5. Advisory to the Zoning Board of Review for an application for a Special Use Permit under Section 506(G)(2) to build a four bedroom single family dwelling and a denitrification OWTS.

Long Boat Key Tavern, LLC. Plat 5, Lot 5-6. Advisory to the Zoning Board of Review for an Application for a Special Use Permit under Section 506(G)(2) to build a four bedroom single family dwelling a denitrification OWTS.

Mr. Gil Brennan, Cherenzia & Associates, LTD representing the owners presented the applications. The Zoning Board of Review asked for an advisory from the Conservation Commission for Special Use Permits on Plat 5, Lots 5-3, 5-5, and 5-6. The owner is seeking approval for septic systems; because, the lots do not have a 30" ground water table and sewer lines do not extend beyond the Beachead restaurant. The Sewer Commission, in the past, tried to extend the sewer lines down to the Town Beach Pavilion but the project was rejected because of the barrier beach.

Don Thimble, Wastewater Inspector for the Town of New Shoreham explained to the board the denitrification OWTS is an alternative advance system, which takes more nitrogen out of the system. Mr. Thimble reported that he sent the three applications to URI for their comments regarding the systems. He also voiced concerns regarding the size of the proposed houses for the reason that it dictates the size of the septic systems.

Mr. Phillips, Jr. asked about the flood zone and the holding tanks. Mr. Brennan acknowledged that Lots 5-6 and 5-5 are not in the flood zone; however 5-3 does lie in the flood zone. He also said that the tanks are not made to float, but if the risers are ripped open this would open the tanks.

Mr. Phillips, Jr. spoke opposing the applications based on the following facts:

- The rise of potential sea levels.
- Aquaculture farm in the pond.
- Water standing on the road and pouring out of the Beahead Restaurant after storms.
- Sensitive buffer zone.
- The possibility of a giant storm referencing the Hurricane of 1938.

Mr. Phillips, Jr. made a motion to deny the applications for Long Boat Key Tavern, LLC. Plat 5, Lot 5-3. Orlando Capital Enterprises, LLC. Plat 5, Lot 5-5. Long Boat Key Tavern, LLC. Plat 5, Lot 5-6 based on the following finds of fact:

- This is a sensitive coastal buffer zone and barrier beach.
- The possibility of a catastrophe from a hurricane or giant storm.

Mr. Leeder seconded the motion with all in favor.

6 Ayes (Phillips, Roosa, Littlefield, Slate, Mott, Leeder) 0 Nays
1 Absent (Hopf)

Shir Shalom, LLC. Plat 9, Lot 66-1. Advisory to the Zoning Board of Review for an Application for a Special use Permit under Sections 306(E), 314(C) and 415(A) and (B) and a Variance from Sections 306(C) and 703(G) to construct a trail and stairway to the beach.

Mr. Phillips, Jr. recused himself and asked Mr. Littlefield to chair the meeting.

Attorney Joseph Priestly presented on behalf of the owners. Mr. Priestly presented to the board a letter from Robert and Martha Agricola, property owners of Shir Shalom, LLC. The letter addressed their application for a trail and stairway to the beach. Mr. Priestly presented a report

from the Rhode Island Coastal Resources Management Council. The amended report dated January 21, 2011 is a report of findings for a preliminary determination.

Mr. Leeder made a motion to defer the application until November 8, 2011. Ms. Mott seconded the motion.

5 Ayes (Roosa, Littlefield, Slate, Mott, Leeder) 0 Nays
1 Absent (Hopf)
1 Recuse (Phillips)

Mr. Phillips returned to the meeting as chair.

Discussion of eradicating Mile-a-Minute Weed

Mr. Leeder voiced concerns regarding the Mile-a-Minute weed. Discussion ensued how to proceed with the project in regards to staying ahead of the spreading weed. No action was taken.

Discussion and schedule a work date for snow fencing.

A work date was set for Saturday, November 12, 2011 to meet at Baby Beach across from John Gasner's house at 9:00am on this date to put up more snow fencing and double up on the poles. The Allen's donation allowed the Commission to purchase 12 rolls of snow fencing.

Mr. Hopf joined the meeting at 5:10pm.

Update on Grace's Cove beach access project.

Mr. Hopf reported that the Montgomery's have donated enough rock to fill the crib. Mr. Hopf will contact Mike Shea regarding the road mix fill for the project.

Correspondence

The Commission received a letter from Bruce Montgomery dated August 3, 2011 (see attached) and an Interoffice Memorandum from Nancy Dodge, Town Manager (see attached).

Adjourn

With no other business to discuss, the meeting was adjourned at 5:20p.m. in a motion by Mr. Littlefield and seconded by Mr. Leeder and voted unanimously.

7 Ayes (Phillips, Mott, Roosa, Littlefield, Leeder, Hopf and Slate) 0 Nays

Respectfully submitted

Terri L. Chmiel

Minutes approved: November 8, 2011