

WEST TISBURY CONSERVATION COMMISSION
MINUTES OF MEETING

November 14, 2006

Present: Prudy Burt Chair, Judy Crawford, Patrick Phear, Debra Swanson, Tara Whiting, Pat Durfee and Maria McFarland

Absent: Peter Rodegast

Also present for all or part of the meeting: John Rosenmiller, George Brush, Tom Johnson, George Thomas, and Dick Johnson of Sheriff's Meadow Foundation

Prudy Burt called the meeting to order at 5:00 P.M. A tape of this meeting is available at the Commission office.

The minutes of the October 10, 2006 and the October 24, 2006 meeting were approved with corrections. Debra abstained from approval of the October 24th minutes.

Hearings

Map 35 Lot 1 (Rosenmiller) - Continuation of the public hearing under the Wetlands Protection Act and the West Tisbury Wetlands Protection Bylaw to consider a **Notice of Intent** filed by Sourati Engineering Group on behalf of John Rosenmiller for a project at 70 Pond View Farm Road owned by Janice Manter. The applicant seeks permission to perform the following activities: cut and maintain the 100 ft buffer zone up to a 10 ft wide buffer strip to be established along a bordering vegetated wetland and Muddy Cove; cut and maintain the vegetation over 36" tall within the 10' wide buffer strip; cut and maintain a path through the 10' wide buffer strip to the dam; cut and maintain vegetation on the dam between Muddy Cove and the pond; cut and maintain vegetation between the east side of the pond and the property line; cut and maintain vegetation up to 5' around the existing high bush blueberry bushes within the bordering vegetated wetland; cut and maintain two four-foot wide paths through the 10' wide buffer strip to the edge of Muddy Cove south of the dam; construct and maintain two sections of livestock fencing and maintain a 6' wide path for livestock access to the pond.

Prudy reopened the hearing. John Rosenmiller and George Brush were present. George updated the board about conversations he had with Michael Goldsmith and Frank Deluna (attorneys handling the appeal of the enforcement order.) George said that we all in agreement about what has to happen on the ground, but that the Notice of Intent was perhaps not the correct procedure to be followed. John submitted a letter of withdrawal of the Notice of Intent and submitted a restoration plan in compliance with the Enforcement Order. He also submitted draft letters addressing the withdrawal of the appeal at Superior Court and the appeal at DEP, and the farm pond. The restoration plan incorporates the conditions that have been worked out between the parties under the Notice of Intent. The Commission accepted the letter withdrawing the Notice of Intent.

John then went over the restoration plan. The Commission will review this in detail and discuss it at the next meeting on December 12th. Maria will send it to Michael Goldsmith for his review.

Maria was instructed to prepare a response letter on the farm pond. Prudy expressed the Commission's appreciation to John for sticking with this process and for personally attending these meetings.

Map 34 Lot 10 SE 79-265 (Thomas) -Continuation of the public hearing under the Wetlands Protection Act and the West Tisbury Wetlands Protection Bylaw to consider a **Notice of Intent** filed by Thomas Johnson on behalf of George and Joan Thomas for property at 65 Carl's Way. The proposed project consists of the installation and maintenance of a timber-frame raised walkway and seasonal, bottom-anchored, floating pier and ramp within the Riverfront Area. The hearing was continued because we did not have letters from the DMF and NHESP. We now have these letters. Mr. Thomas updated the Commission on the process they need to follow for filing with NHESP under the new priority habitat regulations. The DMF and NHESP letters were reviewed and discussed. The issues raised in both of these letters are addressed in the special conditions. The review by NHESP for priority habitat is a separate application. The Commission can issue its Order even though that review is ongoing. The Order will reflect that the applicant is required to obtain all other permits and approvals before beginning work. There was no public comment. At this point Prudy closed the public hearing. A motion was made to approve to this project and the special conditions. The motion was seconded and the vote unanimous in favor.

New Business

Map 12 Lot 8 (Retik/ Sheriff's Meadow Foundation) - Conservation Restriction

Debra Swanson recused herself from this discussion. Dick Johnson, Executive Director of Sheriff's Meadow explained the CR to the Board. Portions of this 11.5-acre property located off Indian Hill Road with over 700 feet of frontage on the road, will be preserved under this CR. It is near other properties that have been placed in conservation including Cedar Tree Neck and will effectively help to maintain the rural and pastoral nature of this part of town. This property has morianal woodlands; potential vernal pools and is habitat for several endangered species. It is an area designated by the Massachusetts Natural Heritage and Endangered Species program as priority Habit of Rare Species.

A motion was made and seconded to endorse this CR, to sign the Municipal Certification and to send a letter to the Selectmen recommending this CR as being in the public interest of the community. There was no further discussion. The vote in favor was unanimous.

Map 36 Lot 2 (Mal Jones) Maria reported on the spill of home heating oil from a leaking tank at Mal's. The DEP handles these spills. There is no action for the Commission to take.

Old Business

Map 32 Lot 101.2 SE79-262 (Sheriff's Meadow)- Dick Johnson asked the Commission if it would be necessary to amend the Order of Conditions in order to lay down some black plastic to kill the grass in order to make it easier to dig out the plants they want to move in the spring. The work would be in the second 100 feet of the buffer zone. A letter outlining the size of the area to be covered and other relevant details can be submitted for the file.

Administrative

There will be no meeting on November 28th as there is a special town meeting that evening.

There being no further business on the agenda, the meeting adjourned at 6: 45 P.M.

Respectfully submitted,
Maria McFarland
Board Administrator
APPROVED