

WEST TISBURY CONSERVATION COMMISSION
MINUTES OF MEETING

May 22, 2007

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

Also present for all or part of the meeting: Tom Robinson, Steve Berluca, County Engineer, Bill Haynes and Matthew Dix of the Land Bank

Prudy Burt called the meeting to order at 5:10 P.M.

The minutes of the May 8, 2007 meeting were approved with corrections. Peter Rodegast abstained.

Map 7 Lots 1 & 2 and Map 4 Lot 1 - a public meeting under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations on a **Request for a Determination of Applicability** filed by Island Timber on behalf of Peltz Realty Investors LLP, owner of property located at 283 & 283A Lambert's Cove Road. The project consists of limbing, pruning and the removal of small trees in the buffer zone to restore view. Tom Robinson presented the project. A site visit was done on May 16th. The project is straightforward. There are 7 trees in the buffer zone they would like to remove, two of which are dead. A motion was made to issue a **Negative Determination** with no special conditions. The motion was seconded and the vote in favor unanimous.

Map 36 Lot 28 and Map 42 Lot 1 – Continuation of a public hearing under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by the Trustees of Reservations for property located at 1 Long Point Road. The purpose of the project is to remove invasive Phragmites along the edge of two fresh water ponds at the Long Point Wildlife Refuge. The removal will be done by cutting the stems and laying a tarp over the treatment area for one week. All the paper work is in from DEP and NHESP. No one was present for the TTOR. The board reviewed the special conditions. The public hearing was closed. A motion was made and seconded to approve the project. All in favor.

Old Business

Map 6 Lots 2 and 2.1. Rattner/ White - Glenn is waiting to hear from the Rattners. Prudy reported that the area covered by the conservation restriction has also been brush cut. Maria will talk to Dick Johnson at Sheriff's Meadow, as they are the holder of the CR.

New Business

Map 7 Lot 89 – Paving on Manaquayak Road. Sandy and Steve Pietruska came into the office to ask if some paving near the wetland adjacent to their property had been permitted by the board. Peter, Pat and Maria did a site visit on May 21st. Pictures were reviewed. Sections of the road have been repaved and a small area in the buffer zone was also paved presumably to direct road runoff. Peter said the area has probably always drained toward the wetland. It also looked as though the area had been cleared and the brush pushed into the wetland. Maria was instructed to call Tom Rancich the head of the Manaquayak Road Association to ask him to attend the June 12th meeting to discuss this matter.

Map 3 Lot 19 – Stairs to the beach at Makonikey. Prudy, Judy and Maria met with Les Cutler on May 16th in response to a letter from Mr. Cutler dated May 10, 2007 regarding necessary repairs to the beach stairs. Peter and Pat viewed the stairs on May 21st. Pictures were circulated. A letter will be sent to Mr. Cutler authorizing the repair of the stairs provided this is just a repair of the stairs in the same footprint and not a relocation or enlargement of the stairs.

Also discussed was the illegal dumping of trees, leaves and brush on the coastal bank. Mr. Cutler is working to come up with a barrier to this area to prevent further dumping. The letter will suggest a fence, a sign and letter to the neighborhood association that this practice needs to stop as it is a violation of the Wetlands Protection Act and the local bylaw.

Paths Beside the Road Committee – Bill Haynes of the committee and Steve Berlucchi, county engineer, were present to show the Commission the plans for the path on the Edgartown West Tisbury Road from the youth hostel to the parking lot at the police station. The path will be within the state highway layout except that portion of the project that runs through the state forest, which will be handled by DCR. Steve will be working with John Varkonda on that portion of the path.

No part of this project is within the Commission's jurisdiction, as the path will end approximately 200-250 feet away from the Mill Pond. Steve told the board that he needs a letter from the Commission stating that this project is outside the commission's purview.

Judy mentioned that she had received a call from the Bessires concerning this path. They do not want to lose the shrubs in front of their house to this path. Steve said that if those shrubs are in the highway layout then they are not required to replicate anything they remove, however they always work with the property owners to address their concerns.

Steve and Bill also wanted to talk about the next phase of this project, which is to bring the path over the Mill Pond and possibly over Brandy Row to Alley's General Store. Members mentioned several issues that the path committee will need to figure out before bringing a Notice of Intent to the Commission, including determining where the state highway layout is, whether the Woods family would approve such a project over Brandy Row given the deed restrictions in the deed of this property to the town, and also whether easements can be obtained from the private property owners on the Garden Club side of the road.

Steve said there were two possible designs for a paved path over the dam. One would be to widen the dam or to construct a dock like structure. It was made clear to Bill and Steve that the Commission would not be able to give the path committee an informal approval of a design. Full scale engineered plans for this project will have to be presented at a town meeting for funding approval of this project. This should be done prior to coming to the Commission for an Order of Conditions so that the Commission is reviewing the actual project approved at town meeting. Any project to widen the path over the Mill Pond will also have to be reviewed by DEP, the Natural Heritage and Endangered Species Program at the Dept of Fisheries and Wildlife and the Dam Safety Board.

Map 36 Lot 1 Stairs at Sepiessa Point. Matthew Dix came in to ask if he needed paperwork to repair the wood frame and gravel stairs that were approved under an Order of Conditions (SE79-128) in 1996. Matthew said the design of the current stairs is not slowing down erosion on the bank. As the original order has expired, and Matthew wants to replace the stone stairs with a set of wooden steps, he will file a Request for Determination of Applicability. He will also file a request for a certificate of compliance for the original order.

There being no further business on the agenda, the meeting adjourned at 6:30 P.M.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED