

WEST TISBURY CONSERVATION COMMISSION  
MINUTES OF MEETING

February 12, 2008

**Present:** Prudy Burt Chair, Hadden Blair Judy Crawford, Dan Pace, Binnie Ravitch, Peter Rodegast, Tara Whiting and Maria McFarland

**Also present for all or part of the meeting:** Reid Silva of Vineyard Land Surveying & Engineering, and Bart Smith

Prudy Burt called the meeting to order at 5:05 P.M.

The minutes of the January 22, 2008 were reviewed. A motion was made and seconded to accept the minutes as revised. All in favor.

**Map 22 Lots 22 and 24 continuation** 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 Vineyard Land Surveying & Engineering, Inc. on behalf of Geoffrey Berresford, and the Trustees of the Ann Nelson Realty Trust owners of property located at 60 Littlefield Lane and 101 Old Court House Road for a limited project to repair an existing dam, install a new concrete sluiceway and dredge the pond. Reid Silva is the applicant's representative was present to update his presentation and to discuss the Letter from NHESP dated January 22, 2008 regarding the project occurrence within the actual habitat of the American Brook Lamprey (*Lampetra appendix*).

Reid submitted a revised plan detailing the proposed plan to divert the stream during the repair of the dredging and repair of the dam. Water flow will be blocked off entirely with sand bags and the stream will be diverted through a 3 or 4 inch pipe. The pond will be drained slowly in a cleaner fashion than originally proposed.

A brief discussion took place regarding the process involved to meet the requirements of the NHESP letter to hire a qualified fisheries biologist to complete an American Brook Lamprey study. The survey must encompass portions of the stream both up and downstream of the project.

With the consent of the applicant's representative a motion was made and seconded to continue the public hearing on this matter to Wednesday April 9th at 5:10 PM. All in favor.

**Map6 Lots 7.2 and 8.** a public hearing under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations on a **Notice of Intent** filed by Vineyard Land Surveying & Engineering on behalf of Harrowby Property Company, Ltd. & Milton Estates Ltd. owners of property located at 245 and 223 John Cottle Road. The project consists of the construction and maintenance of a footpath and footbridge in the buffer zone and across a wetland. The DEP file number letter dated January 28, 2008 notes that the applicant needs to submit sufficient information to show that the walkway will be high enough and the boards spaced correctly to provide adequate light. The NHESP letter dated January 25, 2008 states that the proposed project will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species under the WPA and will not result in a prohibited "take" of state listed rare species under MESA. The site visit was held on February 5<sup>th</sup>.

Plans of the existing footbridge built by the Dunkels were viewed. Joe Grillo will build this foot bridge in a similar meandering fashion. There will be a ramp on either end. All work will be done by hand. The footbridge will be anchored using the pin foundation system used by the Land Bank at their properties. The applicant verbally requested a waiver for work in the first 25 feet of the buffer zone under the bylaw. The request will be put in writing and submitted for the file.

After discussion, Prudy closed the public hearing. A motion was made and seconded to approve the project as shown on the plan dated January 30, 2008 revised on February 11, 2008 and as described in the project narrative received on January 31, 2008 with the following conditions:

- No trees cutting or limbing will be done in the buffer zone or the wetland and no view channels are permitted.
- The width of the boards on the footbridge will be no greater than 12 inches and will have an average width no greater than 8 inches in order to allow light penetration and growth of vegetation.
- The boardwalk will be constructed of non-treated non-toxic lumber and all holes will be hand dug.

The vote in favor was unanimous. Reid will submit a revised plan to include these conditions in the plan notes.

**Map 7 Lot 142 continuation** of public hearing on a **Notice of Intent** filed by Gerald D. Ferry, Trustee of DDF Realty Trust, owner of property located at 175 Longview Road. The project consists of the installation of an upgraded septic system for an existing four-bedroom house together with associated site work and the removal of underground structures currently draining a wetland from a neighboring property into another wetland. Prudy reopened the public meeting. No one was present for the applicant. Maria reported that she spoke with Mr. Ferry. The neighborhood association has agreed to repair/replace the pipe running through his property. The board received a letter from Mr. Ferry requesting a continuance to march 11<sup>th</sup>. They are waiting for the final word from NHESP on the leaching field. A motion was made and seconded to continue the public hearing on this matter to March 11th at 5:10 PM. All in favor.

### **Old Business**

**Map 22 Lot 4.1 Still Point Meadows (formerly Szackas)** Letter from Geoghan Coogan dated January 15, 2008 on behalf of Claudia Miller, the new owner of this property. Ms. Miller would like to place a split rail fence around the property. A fence is an exempt activity in the buffer zone provided it will not constitute a barrier to wildlife movement. A letter will be sent welcoming Ms. Miller to town and asking that the fence be made of non-pressure treated wood, that no wire fencing is used and the post holes be dug by hand.

**Map 11 Lot 82. 1 Conservation Restriction Bennett/ Land Bank** Tara reported that she spoke with James Lengyel at the Land Bank. This parcel will become part of the John Presbury Norton Preserve. Island Housing Trust is working to see if they can get the houses and septic systems into the building envelope; if they can then the Island Housing Trust will not need any of the acreage in the conservation area. The matter was tabled.

### **New Business**

**Map 3 Lot 6 – Westby.** Maria reported that the data collector for the Assessor's office was doing field work at his property and noticed the stairs to the beach and clearing at the top the bank. The owner came to the board in 1998 for a shed. In pictures on file in the office the bank is vegetated

and the stairs are in place. Pictures taken by the data collector on February 8<sup>th</sup> show the bank to be cleared. A letter will be sent to the Westby's reminding them that work within 100t of the top of a coastal bank requires review by this board and that all future work must be permitted in advance. The top of the bank should be allowed to revegetate.

**Map 10 Lot 199. 8** Notice of Planning Board hearing on a project in Greenlands Water Resource Protection District. Members received copies of the application for their review. The Commission has 35 days to give comments to the Planning Board. Hadden said the Board of Health has not signed off on this project. More detailed plans are needed and perc tests need to be done. The matter was tabled to the next meeting.

**Map 5 Lot 2.1 SE79-258** Letter from Frank Flanders re: tree cutting at Joan Smith's. Some trees were cut to put in a driveway which was not permitted under the Order of Conditions for the relocation of the cottage. A return letter will be sent thanking Frank for addressing the matter with the property owner.

### **Administrative**

**Warrant Articles** - A motion was made and seconded to submit the following warrant article to the Selectmen for inclusion on the ATM warrant:

*To see if the Town will vote pursuant to the provisions of M. G. L. Chapter 44, Section 53E1/2 to authorize the establishment of a revolving fund for the purpose of receiving filing fees collected by the Conservation Commission under the West Tisbury Wetlands Protection Bylaw and Regulations (the "Bylaw") to pay for expenses of the Commission related to the administration of the Bylaw, without further appropriation, said funds to be expended in an amount not to exceed Two Thousand Dollars (\$2,000.00) during the fiscal year, as approved by the Conservation.*

The vote in favor unanimous.

**Annual Town Meeting Date:** The Selectmen have asked for a sense from all departments about changing the annual town meeting from Tuesday night to Saturday morning. All agreed that a weekday night was better. Maria will let Jen know.

**April Meeting Date:** The April 8 meeting date was changed to April 9<sup>th</sup> because the annual town meeting will be held on the 8<sup>th</sup>.

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

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED