

**WEST TISBURY CONSERVATION COMMISSION  
MINUTES OF MEETING**

April 6, 2010

**Present:** Prudy Burt Chair, Judy Crawford, Binnie Ravitch, Tara Whiting and Maria McFarland

**Absent:** Joanie Ames, Hadden Blair, Peter Rodegast and Dan Pace

**Also present for all or part of the meeting:** Charles Alton, Ronald Cole, Anthony Kirincich, Doug Cooper, Attorney Rob McCarron, Doug Hoehn, Kelly Durfee Cardoza, Paul McManus, Simon Hickman, Leo DeSorcy, Kate Conde, Will Runyon, Richard Lufberg, Attorney George Brush, and John Stanwood

Prudy Burt called the meeting to order at 5:00 P.M. [An audiotape of this meeting is available for review.]

The minutes of the March 23<sup>rd</sup> meeting were unanimously approved as corrected. The minutes of the March 26<sup>th</sup> meeting were approved as corrected; Prudy and Judy voted in favor. Binnie and Tara abstained.

**Map 42 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 to consider a **Request for Determination of Applicability** filed by the Woods Hole Oceanographic Institute (“WHOI”) for a project located at 330 Long Point Road owned by the Trustees of Reservations (Long Point Wildlife Refuge). The project will add an additional land-based observational system to the existing Martha’s Vineyard Coastal Observatory located at South Beach and will be located south of the Long Point Wildlife Refuge Residence. The system will consist of an antenna, electronic enclosure and small shed. Over ground or shallow-buried conduit will be located along the existing dirt road to the coastal dune.

Anthony Kirincich, a scientist with WHOI presented the project. The instrumentation would add capacity to the Martha’s Vineyard Coastal Inventory Observatory allowing WHOI to measure surface currents and waves along the south coast of the Vineyard over a 20 x 20 mile area. The antenna will be located in the dune on a metal pipe pushed into the dune by hand. The antenna wires will be shallow-buried and run from the antenna to the shed which will be located about 200 feet north of the antenna through scrub oak and poison ivy. The electrical contractor will decide whether the conduit to the shed will run from the barn or the house. The shed will be constructed off site and put in place from a flat bed truck, mounted on a pin foundation system. The antenna, foundation and shed will be removed when the project is completed. There will be signage and kiosk in the visitor’s center to explain the project.

Kate Conde of the Trustees of Reservations spoke in favor of the project.

Prudy asked if the antenna needed a permit from ZBA. Anthony will check with Julie Keefe.

Judy made a motion seconded by Binnie to issue a Negative Determination that the work is in a Resource Area and the Buffer Zone, but does not require an Order of Conditions. There are no conditions. All in favor.

**Map 3 Lots 73.1 & 73.2/ SE79-298:** 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 Cooper Environmental Services, LLC on behalf of the Alton Family Limited Partnership to construct a residential driveway within a 30 ft wide Right of Way over property located at 57 Lambert's Cove Road owned by Jeremy Biggs to access property owned by the Alton Family Limited Partnership at 55 Norton Farm Road. The proposed driveway will traverse approximately 700 feet within the Buffer Zone of a Bordering Vegetated Wetland.

Doug Cooper, the applicant's representative presented the project. Schofield Barbini & Hoehn did the survey work. Doug did the wetlands flagging. Rob McCarron is the Alton's attorney

Doug disagreed with the common thread of the opposition to a driveway in the proposed location. In his opinion, a driveway located in the proposed location will not have an impact on the hydrology of wells in the area. The amount of existing fill in the area between the two wetlands is about 50 feet long.

Mr. Alton, the property owner, gave the history of how this property came into his family and how the second access easement came into existence.

Issues discussed:

Location of easement through BVW

Feasibility of access from Norton Farm Road

Feasibility of using second Right of Way/Surveying work being done

WPA allows filling up to 5,000 sq. ft. of BVW with replication or up to 500 sq. ft. without replication

Local Bylaw: This work is in the first 25 feet of the Buffer Zone/waiver filed

House and septic are outside of the Commission's jurisdiction

Public Comment:

Rob McCarron: Spoke about the negotiations with the Makonikey Beach and Road Association for use of Norton Farm Road. Rob asked if the second easement is feasible, is it a new application or an amendment to the current NOI? It could be an amendment.

Richard Lufberg: Spoke about the history of the Makonikey Beach and Road Trust. In order to amend the trust to allow the Alton's access from Norton Farm Road a two thirds vote is required.

George Brush: Attorney for Jeremy Biggs said his client would prefer the Alton's use the alternate easement.

Paul McManus: wetland scientist for Mr. Biggs said the project would impact wetlands, the BVW connection and that the wetlands may be vernal pools

Kelly Durfee Cardoza consultant to Mr. Biggs said the Commission needs more details on the construction methodology

Leo DeSorcy for himself and his parents who are also abutters spoke against the project

Will Runyon: opposed/change in hydrology/impact on wells

Written Public Comment:

Letter from Dr. Paul Weiss dated April 1, 2010: opposed

E-mail from Nancy Accola dated April 4, 2010: opposed

Letter from George Brush, attorney for Jeremy Biggs dated April 6, 2010: opposed. Letter contains title documents regarding the second access easement

Letter from Will Runyon and Wendy Marshall dated April 6, 2010: opposed

A motion was made and seconded to grant a continuance of this hearing to April 27, 2010 at 5:10 PM in order of the applicant to finish its analysis of the second easement for access to the Alton's vacant lot. Also the NHESP review letter is still outstanding. All in favor.

**Old Business**

**Map 39 Lot 11/ SE 79-296/Edens/ update:** No appeal has been filed as of today.

**New Business**

**Blackwater Brook/ Water quality data:** Maria will check with Bruce about available funds.

**Map 7 Lot 89/** 40 Manaquayak Road/ Pietruska and **Map 7 Lot 83/2** Duck Pond Road/ Lee McCormack. Maria updated the board. There is a pipe located in the wetland which needs to be removed. Maria and Prudy will meet with the Pietruskas Vineyard on April 8th.

**Administrative**

Time and bills on hand were signed.

**Correspondence**

**In:** Letter dated April 2, 2010 from Kent Healy to the Mill Pond Committee.

Letter dated March 23, 2010 from VLS re: Dr. Berlin/Maria will ask Reid to come in.

**Brandy Brow:** The split rail fence needs to be fixed. Prudy said 10 new rails will cost about \$100. Maria will confirm that there is money in the budget for this expense.

There being no further business on the agenda, the meeting adjourned at 6:55 PM.

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED