

**WEST TISBURY CONSERVATION COMMISSION  
MINUTES OF MEETING**

April 27, 2010

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

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

**Also present for all or part of the meeting:** Charles Alton, Ann Delfaesse, Doug Cooper, Attorney Rob McCarron, Doug Hoehn, Simon Hickman, Leo DeSorcy, Will Runyon, Richard Lufberg, Attorney George Brush, and Joe Eldredge

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 26<sup>th</sup> meeting were approved as corrected; Prudy and Judy voted in favor, Binnie and Tara abstained. The minutes of the April 6, 2010 meeting were unanimously approved as corrected.

**Map 3 Lots 73.1 & 73.2/ SE79-298: 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 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. *The project has been redesigned to locate the road/driveway so that it travels through Map 3 Lot 79 owned by the Alton's and 73.1 owned by the Biggs' to access the Alton property at Map 3 Lot 73.2.*

Issues discussed:

- Revised location of driveway/additional site visit
- Additional Abutters/notification
- Characteristics of Vernal Pools/Shrub Swamp/method of delineating wetlands
- Feasibility of access from Norton Farm Road
- 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
- Additional revision to be made to project plan including topography, locations along driveway for erosion controls
- Hiring consultant

A revised plan dated April 8, 2010 has been submitted that shows the proposed relocated driveway. The relocation moves the project to another lot owned by the Alton family (Map 3 Lot 79) which is adjacent to properties owned Donald DeSorcy (Map 1 Lot 59), Marian Neuhoff

(Map 3 Lot 43) and Simon Hickman (Map 3 Lot 75). Mr. DeSorcy and Mr. Hickman received notice of the original application. The Commission asked Leo DeSorcy who is also representing his father Donald if he and his family objected to the hearing continuing this evening and waiving the need to postpone in order sending new notices. Simon was asked if it was necessary to give notice to his wife Marian Neuhoff. Both parties agreed that the hearing could proceed without the need of additional notice. There are no new abutters who would require notice.

The original Notice of Intent does not need to be withdrawn as the scope of the work has not changed. The project is still for a driveway.

Doug Cooper, the applicant's representative presented the revised project showing the new location of the driveway as option 2. The driveway would run approximately 10 feet off the tip of a wetland on the Alton property, over the Biggs easement to the Alton's vacant house lot. The length of the option 2 driveway is 740 ft which is almost the same length as the original driveway but with less impact to resource areas.

According to Doug Cooper, the wetland is slightly up slope of the new proposed location and runs adjacent to one wetland rather than going between two lobes of wetlands. Soil borings done below this wetland indicate that the soils are well drained. The wetland will not be drained nor will the driveway impound water because the driveway is at grade. The roadway detail is the same as originally proposed; geo-textile below the road substrate. Hay bales and silt fence erosion controls will be placed in critical areas close to wetlands. Doug finished his presentation by stating that this is a more desirable location than originally proposed.

Public Comment:

Will Runyon: Comments on the bylaw regulations regarding vernal pool performance standards. Asked if the Commission would do further studies to determine the type of wetland.

Ann Delfaesse: An Alton family member spoke passionately in favor of the project.

Rob McCarron: Does not see the need for further studies. Even if this wetland is a vernal pool the project has been designed to meet the performance standards. He asked that the public hearing be closed. It was explained that the Commission did not want to close the public hearing until after the site visit and the revised plan is submitted.

Written Public Comment:

- Letter from Cooper Environmental Services, LLC dated April 16, 2010 together with revised project plan dated April 8, 2010.
- Letter from EcoTec, Inc .and Avalon Consulting dated April 16, 2010

A motion was made and seconded to grant a continuance of this hearing to May 11, 2010 at 6:00 PM in order for the applicant to further revise the project plan and for a site visit to be conducted on May 6th at 1:30 PM. All in favor.

### **Old Business**

**Map 39 Lot 11/ SE 79-296/Edens/ update:** The appeal to DEP has been filed. A site visit has yet to be scheduled. Maria spoke with Stan Humphries regarding commenting on the appeal letter to DEP He recommended waiting until after the site visit so that any questions that come up at the

site visit can also be addressed in this letter. Prudy explained the process for obtaining a Superseding Order of Conditions.

**Map 1 Lot 41/ Berlin:** Reid Silva has to speak with Dr. Berlin concerning the scheduling of profile work. He will be doing additional profiles at the end of April. If he can have this done and put on a plan he will come to the May 11<sup>th</sup> meeting. The benchmarks have been put into the revetment at the same elevations as are on the Sundin revetment next door.

**Map 3 Lot 2.1/Sutula:** Email dated April 26, 2010 was read for the record. Doug Cooper spoke with the members about the reflagging of the wetlands. Mr. Sutula would also like to do some clearing of invasive species. A site visit will be conducted with Mr. Sutula and Kristen Fauteux of Sheriff's Meadow Foundation is scheduled for April 29<sup>th</sup> at 1:00PM.

Public Comment: Joe Eldredge noted that there were no markings on the upper wetland near the guest house. There was no flagging of this wetland and asked if the Commission was going to fine Mr. Sutula.

Doug was asked to flag the wetlands near the guest house again. We do not have a plan showing the as built location of the main house or the guest house. At the meeting with Mr. Sutula on Friday he will be asked to submit a plan showing the as built location of all the structures, wetlands and buffer zones. Mr. Sutula would also like the Commission to look at the possibility of placing some snow fencing in the dunes.

#### **New Business**

**Blackwater Brook/ Water quality data:** Maria will ask Bill Wilcox to put together a proposal for water quality data testing in two or three location to be determined. Minimal funds are available in the budget under Professional and Technical Services (line item 5300).

**Nat's Farm:** Sheriffs Meadow Foundation notified the Commission that they have selected Mermaid Farm and North Tabor Farm to jointly lease a section of the north pasture of Nat's Farm for the purpose of a combination of haying and grazing sheep. Once the lease is signed we will receive a copy.

#### **Administrative**

Dan Pace submitted a letter of resignation dated April 27<sup>th</sup> (effective immediately) to the Selectmen. The letter was read for the record. A letter will be sent to Dan thanking him for his service to the Town with a copy to the Selectmen. Joanie will be asked if she would like to be appointed a full member for a new three year as Dan's term expires this year.

**Map 3 Lots 17.1 & 17.2/Goodwin/SE79-223/Certificate of Compliance.** Site visit conducted on April 22<sup>nd</sup> by Prudy and Maria. Pictures were circulated. A motion was made and seconded to sign the Certificate of Compliance with two ongoing conditions. All in favor. Under the Enforcement Order, they need to come in with a new Notice of Intent for any new work within the Commissions jurisdiction.

**Brandy Brow:** A motion was made and seconded to approve the expenditure of funds (to be determined) to fix the split rail fence at Brandy Brow. All in favor. Howard Wall will be asked not to mow Brandy Brow more than 3 times over the course of the summer unless it becomes absolutely necessary.

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

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED