

WEST TISBURY  
CONSERVATION COMMISSION  
MINUTES OF MEETING  
February 13, 2018

**Present:** Prudy Burt, Whit Griswold, Peter Rodegast, Michael Turnell, Binnie Ravitch and Tara Whiting

**Absent:** John Brannen

**Staff Present:** Maria McFarland

**Also present for all or part of the meeting:** Chris Alley, Kent Healy and Will Schmidt

The meeting was called to order at 5:05 P.M. Tara Whiting Chairman presiding.

**Minutes:** The minutes of the January 23 meeting were approved as revised.

**Public Hearings:**

Map 14 Lot 9.1: 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 Schofield, Barbini & Hoehn on behalf of the Schmidt Family Farm Trust for a project on a portion of the property located at 50 Tisbury Lane East. The project consists of site work including installation of utilities, upgrading of Cedar Lane and installation of a well within the buffer zone in connection with the creation of a new 7.4 acre single family residential house lot.

Prudy recused herself from this public hearing and stepped away from the table to sit in the audience.

Chris Alley presented the project. The Schmidt family owns approximately 100 acres of land in Seven Gates. A 1979 conservation restriction between Seven Gates Corporation, the prior owner of this property (Frederick L and Ruth Chandler Moore/Parents of Martha Moore Schmidt), and The Trustees allows this property to be subdivided into not more than 5 additional residential house lots of between 5 and 10 acres each. Out of the original 100 acres, there have been two house lots created (Lot 1A and site 38).

The Schmidt family would like to create one 7.4+/- acre parcel which may or may not be sold outside of the family. Before they formally create the lot, the applicant would like to be sure there is a functioning well. In order to access the well site, the applicant needs to make certain improvements to the dirt road known as Cedar Lane. If there is adequate water for a well they will get formal permission from the West Tisbury Planning Board, Seven Gates Board of Directors and The Trustees.

Chris explained further that the project plan contains the footprint of a house and the location of a leach field for a septic system, but neither is part of this application. The plan meets all the Board of Health setback requirements for the distance between a well and leach field.

Chris noted that at the site visit, he, Maria and Michael looked at an alternative well location that is more accessible for a drill rig and further from the wetlands. The wetland to the west of the driveway is over a ridge. Protection of the wetland to the east will be done with snow and silt fencing.

According to Doug Cooper, who did the wetland delineation (See letter dated January 27, 2018), there no hydric soils within the roadway; therefore no replication is required.

Chris said there is a low point where he initially thought a 6 inch pipe culvert might be needed, but after the last rain storm which dropped 3.5 inches of rain, the road area was dry, so this may not be necessary.

The project plan shows erosion control measures include silt fencing backed by snow fencing. The conduit will be buried two (2) feet under the driveway and installed either by directional drilling or surface trenching.

Chris looked at centering the driveway equidistant between the wetlands but there is a beautiful Holly tree that should be preserved. The road surface will be rotovated, top soil removed and empty conduit installed.

#### Commissioners Questions/ Comments

Peter suggested that the sequence of construction activities be the tree work first, excavation for the well then the driveway work and installation of the conduit.

Chris replied that he will see if he can get John Clarke out to the site to see if they can do the well first. If they can do enough tree work to get the rig in and out, then the road and conduit can be done last. It was suggested that gravel, mats or plywood be used if necessary.

Tara asked if they would put the turnout in at the time they do the well. Chris said yes.

Peter asked about the surface of the road. Chris replied that no rap will be used, but a hardener may be necessary.

#### Public Comment:

Will Schmidt spoke on his family's behalf. Will said they have worked for the past 8 years to evaluate the wetlands, plant species and habitat and found that this was the best location for a house lot. Will said he has walked the site with Sally Nasser of The Trustees and the last information he has is that she is ok with this site. They will submit written approvals at the appropriate time.

A motion was made and seconded to continue the public hearing to February 27 at 4: 10 PM. All in favor.

#### Old Business:

**James Pond Order of Conditions:** A motion was made and seconded to approve the special conditions as revised. All in favor.

**Tisbury Great Pond:** Kent Healy was present to discuss the letter he sent to Barbara Kickham regarding sampling in Tisbury Great Pond for Kjeldahl Nitrogen (TKN). Kent is proposing to take samples and have the lab in Aquinnah test the samples for TKN.

Kent also told the Board he met with Adam Turner and Sheri Caseua of the MVC today to discuss testing before and after pond openings. Kent wants the Wampanoag Tribe Lab to measure the TKN and acknowledged that it is not what DEP measures but he thinks that DEP will accept this data.

Currently, the Aquinnah lab cannot do any nitrogen testing so it is unclear if this would happen during 2018.

Tara asked Kent to clarify whether sampling would be done before and after pond openings because his letter just states before the openings. Kent replied that DEP is most interested in the nitrogen levels

before the opening, but he thinks that nitrogen levels should also be tested after the pond has been opened for a few weeks.

Prudy reiterated what Brian Dudley of DEP said at the public hearing on the draft TMDL report regarding testing for TKN. Prudy said that both Brian Dudley and Bill Wilcox were adamant in their comments at the January 23 meeting on the draft TMDL report that sampling be done before and after openings in June, July, August and September. Finally, Prudy said she would like to see all financial resources go towards paying for testing samples that DEP will accept.

Maria explained that Sheri has money for the 2018 July and August samplings. This board will pay for testing samples from the 4 sentinel sites that will be taken once in June and once in September

Peter clarified that the sampling/testing the MVC does is compliant with DEP requirements. No action was taken.

#### **Administrative:**

**Map 11 Lots 36 and 37/SE79-306/Certificate of Compliance/ Driveway:** A motion was made and seconded to sign the Certificate of Compliance on this project. All in favor.

**CPC appointment:** Tara told the board she would like to step away from this position. No action was taken.

**Board of Health Regulations:** Tara said she will be working with the Board of Health Agent on new regulations for septic systems in the Town watersheds. She said she will meet with Omar Johnson once a week to work on drafting language. Maria offered to help with drafting. No action was taken.

#### **Correspondence**

**In** DER 2017 Annual Report  
Final Report on Flight Activity and Offshore Movements of Nano-tagged Bats on Martha's Vineyard from Zara Dowling  
Copy of letter from the WT Planning Board to the WT Building Inspector dated January 29, 2018 re: Homer Watcha Trust  
Copy of letter from the WT Planning Board to the WT Building Inspector dated January 29 re: 38 Forest Road  
Copy of letter from Kent Healy to Barbara Kickham dated February 2, 2018 re: TGP sampling  
Copy of MA Endangered Species Act Conservation and Management Permit to repave the bike path in the State Forest  
Copy of minutes of Friends of the Manuel F. Correllus State Forest  
Email from WHOI re project to observe the breach at Tisbury Great Pond  
**Out:** Map 43Lot 2/ SE79-381 Order of Conditions

There being no new business to conduct, the meeting adjourned at 6:20PM.

Respectfully submitted,

Maria McFarland  
APPROVED