

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
August 23, 2016

Present: Whit Griswold, Binnie Ravitch, Michael Turnell, and Tara Whiting

Absent: John Brannen, Prudy Burt, and Peter Rodegast

Staff Present: Maria McFarland

Also present for all or part of the meeting: George Crawford, Reid Silva and George Sourati

The meeting was called to order at 5:10 P.M. Tara Whiting, Chairman presiding.

Minutes: The minutes of the July 26 meeting were approved.

Continued public hearings:

Map 1 Lots 26, 28 & 29/ SE79-370: 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, Inc. for a project to remove 13 trees within a bordering vegetated wetland, 5 trees in the buffer zone and to prune 2 trees in the buffer zone in order to establish a view channel. The project is located at 40 Norton Farm Road Map 1 Lot 26 owned by Paul I Weiss Trustee and 92 Norton Farm Road Map 1 Lot 29 owned by Nancy T. Hammond, Trustee.

No quorum of members eligible to vote on this application being present, a motion was made and seconded to continue the public hearing on this matter to September 13 at 5:30PM.

New public hearing:

Map 7 Lots 32, 34, 76 and 81: 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 the Longview Roads Association for a project to replace a failed culvert on a private road known as Black Brook Crossing. The project is located on Black Brook Crossing adjacent to the lots noted above.

Members met informally with John Lolley and Joe Capobianco on July 26. Since that meeting, Reid Silva has replaced Mr. Lolley as the project engineer.

Reid went over existing site conditions and both his original and revised proposals.

The existing culvert is a corrugated galvanized metal pipe. Over time the galvanization eroded and the pipe rusted. The bottom section at the water line failed and dropped. Over the past couple of years a small sinkhole appeared but the neighbors put off replacing the culvert because of the cost. Earlier this summer the sink hole opened up.

Reid said in his opinion this is an emergency situation. Maria recapped the informal meeting and explained that when Mr. Lolley and Mr. Capobianco came in on the 26th, they proposed closing the road to mitigate the emergency until Mr. Lolley could assess the situation, have the water tested and come up with a design. Reid did not think the road should be closed.

After a lengthy discussion about what constitutes an emergency under 310 CMR 10.06, Tara acknowledged Reid's frustration with having designed a project than being replaced and then rehired. However, the emergency provisions at 10.06 make it clear that if there is an emergency and the

Commission deems it an emergency, the work to be allowed shall not include work beyond that necessary to abate the emergency.

Reid reviewed his design for the culvert replacement that was submitted with the NOI. The original plan calls for cutting the pavement, pulling the old pipe out and dropping in a pre-cast concrete culvert with two sections of 15 foot pipe. The headwalls would remain in place as is with the exception of a few stones.

The original plan was done prior to the site visit with Tim Chorey. Tim is a Stream Continuity Specialist with the Division of Ecological Restoration. He provides technical assistance to Towns reviewing culvert replacement projects. The site visit was held on Wednesday August 10.

Reid then proceeded to explain the revised project plan based on the guidance he received from Mr. Chorey.

In order to comply with the stream crossing guidelines a stream profile 200 feet up and down the stream is required which makes the engineering work is more complex. The guidelines require a replacement culvert to meet the stream crossings guidelines to the extent practicable.

The width of the culvert will be 1.2 times the width of the stream so that it spans the stream. The span will be 5 feet wide. A new pipe will be buried a minimum of 2 feet or 25% of the height of the culvert. This design requires restructuring the headwalls. The crossing will be 1.2 times the bankful width of the stream. A natural substrate that mimics the upstream and downstream substrate will be placed in the pipe. Reid described how the spillway on the upstream side is an impediment to the connectivity. A riffle comprised of loose stone acting as a ladder will be installed.

Reid will finish the plan, rewrite the narrative to include a site preparation and dewatering plans and send it to Mr. Chorey for review and comment.

A motion was made and seconded to continue the public hearing on this matter to September 13 at 5:50 PM. All in favor.

Old Business

Map 14 Lot 7/SE79-355: Patterson: George Crawford presented the landscape plan on behalf of the Pattersons. The plan details the restoration of existing flowerbeds and landscaped areas post construction with a few exceptions. The existing lawn around the house will be restored.

The landscape plan will be revised to show a 10' wide no-mow zone along the 25' wetlands buffer zone edge to the northeast of the house. The line will be surveyed and demarcated by large stones. The Seven Gates office will be notified so that when they do the mowing they will be aware of this change.

The plant inventory was approved with the addition of the composition of the seed mix for the lawn. It is a Cape Cod seed mix that is drought tolerant.

As required by special condition # 7, a motion was made and seconded to approve the landscape plan subject to the revisions discussed. The vote in favor was unanimous.

Map 1 Lot 2/SE79-340/ Herget: In accordance with the requirement to bring project changes back to the full board, George Sourati was present to see if proposed changes to the architectural and site plan

were significant enough to require the filing of a request for an amendment to the Order or the filing of a new Notice of Intent.

The original project that was approved called for the existing structure to be renovated and an addition located outside the Buffer Zone. The new plan is to tear the existing house down keeping the foundation and the deck. The house will be rebuilt and extended. The addition is larger but is located beyond the Buffer Zone. Currently there is 1,347 square feet of house, 832 square feet of deck and 211 square feet of porch within the Buffer Zone. George submitted the details of changes that result in a net reduction of 779 square feet within the buffer zone than what currently exists. The deck will be converted to a stone terrace with a porch over the terrace.

Whit did not think the applicant needed to file a new Notice of Intent. The change in size of house inside the Commission's jurisdiction is less. The increase in house size within the Inland Zone will go back to the ZBA on September 1.

A motion was made and seconded to accept the changes to the project plan as minor and does not require the issuance of an amendment or the filing of a new Notice of Intent. All in favor.

Map 35 /Lot 6.3/SE79-333/Segal: Amendment to Order of Conditions

A motion was made and seconded to sign the amendment to the Order of Conditions to finalize the limits of the view clearing and maintenance provisions. [Note: the revisions were approved on May 24, 2016, but the plan was not submitted until mid- July.] All in favor.

- **Administrative:**

Map 7 Lot 44/8 Manaquayak Road/ Administrative Review/removal of one hazardous tree

Correspondence:

In

Out: Map 1 Lot 35.2/SE79-371/Order of Conditions

There being no new business to conduct, the meeting adjourned at 6:30 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED