

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
January 26, 2016

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

Absent: Tara Whiting

Staff: Maria McFarland

Also present for all or part of the meeting: Kristen Fauteux and Tom Robinson

The meeting was called to order at 5:10 P.M. Whit Griswold, Vice-Chairman presiding.

Minutes: The minutes of the January 12 meeting were approved as amended.

Continued public hearings:

Map 13 Lots 4 & 5/SE79-362: 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 Sheriff's Meadow Foundation (SMF) for the property known as **Cedar Tree Neck Sanctuary, located at 51 Walter Hillman Road**. The projects consists of work associated with implementing the management plan for this property including restoration, habitat management, invasive species control and public access improvements consisting of new trails, view channels and boardwalk maintenance.

The revised project narrative was reviewed.

Trails and boardwalks:

There are seven wetland crossings including 2 stream crossings as follows.

Crossing #1- Instead of using the causeway as originally proposed, the crossing will be located at a narrow point of the bordering vegetated wetland adjacent to the stream.

Crossing #2- The wetland is too small to be covered by either the state or local bylaw.

Crossings # 3 and #4- These are two areas where Kristen is not sure if they need anything. She would like provisional approval of these two crossings and will submit a design if it becomes necessary.

Crossing # 5- A short section of boardwalk will be placed in this location.

Crossing # 6: Currently there are stepping stones at this spot. SMF plans to put in handrails using a thick mariner's rope,

Crossing #7- The existing pressure treated wood boards will be replaced with non-pressure treated wood as shown on the footbridge design.

A lengthy discussion took place over whether or not trails could be relocated to utilize the existing Cranberry Road. Kristen said they tried to use existing crossings where possible. They are constrained by a deed restriction on the Hough parcel that requires the trails to be more than 100 feet from the 3 house lot boundaries. These house lots are shown on the project plan. Within the Riverfront Area there will be 500 feet of new trail that will cross the stream in two locations.

Kristen said that there was too much work involved to change the plan and the suggested changes would result in more public access to wetland areas than the plan proposes.

There was a brief discussion on whether some of the smaller isolated wetlands on this property meet the definition of isolated wetland under the bylaw. Isolated wetlands are not covered by the state law because

they do not border a water body or stream. Prudy then asked there are any vernal pools. Kristen said the one Prudy is thinking about is wet year round but it too small to be jurisdictional. The cranberry bogs are protected as are trails in the Riverfront Area. It was noted for the record that the total amount of riverfront area on the property is 640,620 sq. feet. The applicant is proposing 600 square feet of alteration in the first 100 feet and 2,130 square feet in the second 100 feet of the riverfront. Public trails are exempt under the WPA provided they are no wider than 3 feet. Prudy cited the section of the Bylaw that states roads and paths will not normally be allowed within the first 50 feet of a resource area without a waiver of the Buffer Zone regulations under the bylaw.

All of the foot bridges/boardwalks will be constructed using some of the oak being cut down for the view channel with 36 inch rebar used to anchor the wood. The structures will be set at least 6 inches above the wetland. The shortest crossing is 8 feet long and 3 feet wide.

View Channels

One of two view channels will be within the buffer zone: Tom Robinson explained that 6 oak trees in the second 50 feet of the buffer zone will be cut down. Up to 20 trees will be cut down in total.

SMF would like permission to cross from the view channel area through the buffer zone to the Cranberry Road to take out wood over 4 inches in diameter. The rest will be left in place. He said it would be more destructive to go out through the vegetation than to use the Cranberry Road. The road goes over one culvert and a seep.

Mowing:

The proposal to mow within the buffer zone to enhance box turtle habitat was withdrawn.

Kristen will submit a revised written narrative to reflect all the changes that have been made to the original project narrative submitted with the NOI.

Commissioners; Questions/comments:

Michael said on the first site visit they saw at least 5 wetland and the trails went to each one. He said with the topography, there is lots of opportunity to see them from the proposed trail. . Kristen replied that at this time of year the wetlands are visible, but in the summer the vegetation is so dense you can't see some of the wetlands. She added that one of the goals of this project is to give people access to see the wetlands.

Whit asked if there will be access from Norton Circle. Kristen said they have to go to the Planning Board for permission. There are several locations where SMF has to restrict public access. Access will be from the current trail head at Cedar Tree Neck and there will be an entrance sign at Norton Circle, but no parking at this time. .

Prudy asked how many trips it will take over the Cranberry Road to get the wood out. Tom replied that it will be a one-time event. The tree work will be done when the ground is frozen. The machinery will be small enough to go over the culvert. If necessary they could place mats down.

Whit mentioned an email from Tara in which she raised concerns about loss of habitat and the introduction of new predators to nesting birds, reptiles etc.

Prudy reiterated the concerns expressed in Tara's email. She also pointed out that for these same reasons, the bylaw specifically states that no new roads or paths will normally be permitted within 50 feet of a wetland unless no practicable alternative exists. In this case, Prudy feels that SMF has other options for routing new trails through this property without impacting these wetlands. She also questioned whether the second wetland in from Norton Circle is a vernal pool. If so, it would be protected under the bylaw at Section XIX.

Peter asked if dogs were allowed. Kristen said only leashed dogs are permitted during the off season. During the summer no dogs are allowed. SMF has full time rangers that do enforcement.

Mike asked if the board can condition the use of bikes. Maria said that would be a rule that SMF could place on the property. Special conditions are to protect the resource areas during construction.

Tom commented that there will be 400 acres that will remain unbuilt. This project is for a narrow trail system on a property that was been conserved and that is probably not going to get used much. The terrain is not conducive to horse or bicycle travel. No houses or driveways are being proposed and no fields are being cleared.

Peter said he understands Prudy's concerns but was inclined to approve the project with the changes. Binnie said she was fine with the project.

A motion was made and seconded to close the public hearing. All in favor. Binnie made a motion to approve the project as revised. Peter seconded it.

The vote on the motion was 3-0-1. Whit, Peter and Binnie voted in favor of the project. Prudy voted no and Michael was not eligible to vote.

Special Conditions:

View Channel: Trees outside the buffer zone will be cut down first then a site visit will done to determine if it is necessary to remove the 6 trees from the buffer zone. Work for the view channel will be done in the winter when the ground is frozen. The Cranberry Road may be used to remove the trees. Construction of boardwalks will be done in accordance with the submitted design. Put them together onsite. No pressure treated wood will be used.

If it is decided that boardwalks are needed in areas 3 and 4, the applicant will come back for approval of the design of these boardwalk.

New Business:

James Pond/Fish Passage: Jen Rand, Town Administrator was present to discuss the process for getting a Notice of Intent filed for a project to improve conditions at James Pond for fish passage by dredging the existing channel behind the dune, and placing fiber rolls and salt marsh plantings along the bank of the channel to keep it open.

Jen and Maria have been working with Brad Chase of Marine Fisheries to pull the application together and hope to have it filed for a hearing date in February. The permitting process may not be completed in time for the spring herring run and Jen will have not funding for the all of the project until a fall town meeting. Jen said she has the money to take care of filing fees for the permit, but she isn't sure if she will have funds to pay for equipment to excavate the channel. The work to complete placing fiber rolls and

salt marsh plantings will have to wait until town meeting approves the funding or funds are obtained another way.

The use of the Division of Marine Fisheries emergency powers under MGL Chapter 130 section 19 was discussed. Jen will confirm that using the emergency powers allows the use of an excavator, or if the work can only be done by hand shoveling.

Members discussed funding sources including use of the Board of Selectmen's discretionary fund, asking riparian owners to contribute, enlisting volunteers to do the work and applying for grant money.

Maria said that Greg Berman of the Woods Hole Sea Grant has agreed to review the final NOI.

Prudy asked if we know how the riparian owners are on board. Whit said there are nine on the east side of the pond that are for it.

Another issue that was discussed was access for equipment. Whit said they can come through his property if access can't be had through Bill Graham's property.

No action was taken.

Administrative:

FY 2017 Warrant Article: A motion was made and seconded to approve the warrant article for the April annual town meeting to renew the revolving bylaw filing fee account. All in favor.

The following Certificates of Compliance were approved:

Map 8 Lot 22.13/SE79-99/Cabral/Trees/Certificate of Compliance/Project never done

Map 11 Lot 43/ SE79-326/Ravitch/Certificate of Compliance/Boardwalk

The following Certificate of Compliance was not approved because an unpermitted boardwalk and platform were found during the site visit. The property owner will be informed that these structures must be removed or formally applied for and brought into compliance.

Map 35 Lot 6.2/SE79-291/Pennington/Certificate of Compliance/Vista Pruning

Correspondence:

Out: Map 14 Lot 10/Seven Gates/Packer

Map 3 Lot 9.2/Steward

Map 11/109-2/Ross/DA

There being no new business to conduct, the meeting adjourned at 6:55 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED