

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
February 14, 2017

Present: Prudy Burt, Whit Griswold, Peter Rodegast, Peyton Wallace and Tara Whiting

Absent: John Brannen, Binnie Ravitch and Michael Turnell

Staff Present: Maria McFarland

Also present for all or part of the meeting: Chris Alley, Cody Coutinho, Tom Robinson and Scott Stearns

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

The minutes of the January 24 meeting were approved as revised. All in favor.

Continued Public Hearing:

James Pond/SE79-364: 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 the West Tisbury Board of Selectmen and Herring Warden for a project proposed at James Pond and Map 6 Lots 13 and 20. The project consists of work associated with breaching the barrier beach at James Pond including dredging the associated meander for the purpose of restoring a fish passageway, placement of fiber rolls and salt marsh plantings.

There was not a quorum for this public hearing. No testimony was taken. The hearing was continued to March 28, 2017 at 5:10 PM.

New Public Hearing:

Map 13, Lots 5 and 8/SE79-376: 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 Ephraim Road LLC, owner of 64 Ephraim Allen Road. The project consists of clearing 48 trees and the selective pruning of 18 trees on property owned by Sheriff's Meadow Foundation at 66 Ephraim Allen Road (Map 13 Lot 5) to establish a view easement for the benefit of Map 13 Lot 8.

Chris Alley presented the project for the property owner. He gave the history of how Sheriff's Meadow Foundation acquired Lot 5- subject to a view easement for the benefit of 8- that allowed all the trees on the 39 acres of lot 5 to be topped. Subsequently the view easement was revised to the current view easement that is much narrower in scope.

The view easement is within the buffer zone to two isolated wetlands. The project plan shows how the view easement is divided into sections separated by two of the Cedar Tree Neck trails. The section closest to the house on lot 8 is outside the buffer zone. The section furthest from the house is within the buffer zone and in an area determined to be in Priority Habitat under the Massachusetts Endangered Species Act.

The discussion centered on how Beetlebung Tree Care plans to handle the downed trees and slash.

Tom Robinson said he spoke with Adam Moore of SMF to find out how Sheriff's Meadow wanted the slash to be handled. Tom said that the biomass should be chopped down to 2 foot sections and left in place. Tree stumps will be flush cut to the ground. Slash will be moved 30 feet away from the trails before chopping it up and leaving it to rot. This method would be the least disruptive.

Material cut in the section between the house and the blue orange trail that is outside the Commissions jurisdiction will be winched out. Access to this section will be through a break in the stone wall.

When asked how many trees will be handled in the wetland, Josh replied that trees in the resource area will be limbed. None will be taken down. Access will be on foot using chainsaws. The trees are mostly at the edge of the wetland. Josh will submit a written narrative detailing the work plan.

Commissioner's Comments/ Questions:

Prudy asked how the actual plan meets the terms of the view easement. The view easement language allows tree cutting to be done above a certain height determined, but doesn't say anything about cutting below that height. Prudy and Chris then discussed how to interpret the wording of the view easement. The document provides that the easement can be modified by written consent of the property owner and Sheriff's Meadow which, according to Chris, has happened.

Peter noted that the view easement is more than 20 years old and that best forestry practices have changed.

The applicant has asked for a waiver from the provisions of Section IV of the Bylaw regulations for work in the No-Build Zone.

The hearing needs to be continued until a letter is received from NHESP. Chris asked if the board would approve the project without the letter from NHESP

Tom said that the Conservation Commission in Tisbury will vote to approve a project pending the NHESP letter coming in with no objections.

Scott Stearns said they have a time limit because this area might turtle habitat. Maria pointed out that if this area is protected turtle habitat, the NHESP letter will probably have conditions that the Board would want to incorporate into its written decision.

The applicant was reminded that work outside the Commission's jurisdiction can begin at any time.

Tara said the policy of the board is to keep the public hearing open.

A motion was made and seconded to continue the public hearing to March 7.

There was discussion on the motion. Chris said that continuing the hearing to March 7 might only give the applicant 2 weeks to do the work. When asked when the NHESP time frame started, Chris said the application was not sent certified mail so we can't determine when the 30 day time period started to run. The motion was withdrawn.

A new motion was made and seconded to continue the public hearing to February 21 at 5:10PM contingent on the receipt of the NHESP letter. If the letter is not received by the 21st the hearing will be continued to March 7 at 5:10 PM. All in favor.

Old Business:

Map 39 Lot 9/ SE79-344/Eden/ Driveway relocation plan: Members reviewed a plan showing the driveway relocation. George Sourati was unable to attend the meeting tonight to discuss the time frame to put the new driveway in and abandon the existing driveway. No action was taken.

Map 38 Lot 1/ Homer Watcha/ Conservation Restriction Amendment: Prudy asked the board to send a letter to the Executive Office of Energy and Environmental Affairs stating that the board was not in favor of the amendment. A motion was made and seconded to send a letter. The vote was 3-0-1. Whit abstained.

Map 32 Lot 95/Edgartown West Tisbury Road: Prudy asked for permission to do some limbing work on the police station side of the Mill Pond. She would to limb up a willow tree to open the view of the pond. There

is also a downed tree on the causeway that needs to be removed. Maria said that the work should be coordinated with Park & Rec. She will talk with talk with Peggy Stone.

Administrative:

The following documents were approved and signed:

Map 39 Lot 4/ Martha Moore/ Trees blocking solar panels & clothes line/administrative review
Map 31 Lot 101.2/SE79-297/Sheriff's Meadow Foundation/ Certificate of Compliance
Black Brook Crossing/ SE 79- Culvert Replacement/Certificate of Compliance

Correspondence:

In: TRI Letters
Out: DER Grant application
Map 11 Lots 36 & 37/Silva-Peters: Certificate of Compliance
TRI Letters

There being no new business to conduct, the meeting adjourned at 6: 15 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED