

WEST TISBURY  
CONSERVATION COMMISSION  
MINUTES OF MEETING  
March 27, 2018

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

**Absent:** John Brannen and Tara Whiting

**Staff Present:** Maria McFarland

**Also present for all or part of the meeting:** Brad Chase via telephone, John Hoy and Reid Silva

The meeting was called to order at 5:05 P.M. Whit Griswold Vice-Chairman presiding.

**Minutes:** The minutes of the February 27 meeting were approved as revised.

**Public Hearings:**

**Map 6 Lot 13/15 Old Herring Creek Road:** a public meeting under the requirements of the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Request for Determination of Applicability** filed by the Division of Marine Fisheries on behalf of the West Tisbury Herring Warden and the Town of West Tisbury for a project on property owned by 15 Old Herring Creek Road, LLC. The project consists of modifications to an existing culvert connecting James Pond to a diked impoundment on the south side of James Pond to improve passage for diadromous river herring and American Eel. The modifications include a temporary wood entrance box and three sets of removable stop log board slots.

Brad was present via telephone to present this project. Brad said modifications to the culvert are necessary because at high tide the flow goes into the culvert so the herring can get in fine but at low tide the culvert is perched.

Brad and his crew will be on island the week of April 9. The culvert box will be constructed off site using non CCA pressure-treated wood that is approved by DEP and EPA and brought to the site. The work will take place during a low tide if possible. The 4 posts will be jetted using a water pump. The posts will be tapped down and planks attached in a manner that will allow them to be moveable. A generator used to run the water pump will be kept in the truck. No fueling will take place on site.

John Hoy asked if they could screw a carpet-like fabric to the bottom of the culvert pipe so the eels can make their way up the culvert. Brad replied that they have used an anchor mat that works well for eels, but he expressed concern about taking away water depth for the river herring. Brad said he wants to install the box first in order to learn about how well it performs at keeping the depth. If, after some monitoring it is noted that the eels are having a problem, some type of matting could be added to the bottom of the culvert. John agreed that the primary concern was the herring and the eels are a secondary concern.

Peter asked if they have permission to access to the property for monitoring. Until the Graham estate is settled, John has been dealing with the caretaker.

Conditions: Work will be done by hand except as noted above. No fueling shall be done onsite. Minor modifications as needed such as adding matting to assist eel passage may be made.

A motion was made and seconded to approve this project as conditioned under a Negative Determination. The vote in favor was unanimous.

**Map 3 Lot 46/16 Stone Bridge Road:** a public meeting under the requirements of the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Request for Determination of Applicability** filed by Sourati Engineering Group, LLC on behalf of Peter L. Levine & Laura E. Broach for a project to construct a 12'x 22' deck attached to an existing single family dwelling. Members reviewed the project plan and photos of the site. The house is undergoing renovations and the location of the proposed deck is already disturbed. The property is within the Riverfront Area, but the lot and the house pre-date the Riverfront regulations. The stream is located down a well-vegetated bank and more than 100 feet from Duarte's Pond.

There was no one present on behalf of the applicant and there was no public comment. A motion was made and seconded to approve the project under a Negative Determination. All in favor.

**Map 12 Lot 32/ 68 Christiantown Road/SE79-383:** A public hearing under the requirements of G.L. Ch.131 § 40, as amended, and West Tisbury Wetlands Protection Bylaw and regulations, to consider a **Notice of Intent** filed by Vineyard Land Surveying & Engineering, Inc. on behalf of the Rose Family Limited Partnership. The project consists of the construction of a new 8' wide gravel road, 36" culvert, and stone retaining wall that will cross an intermittent stream. (Note: The first hearing on this project was to be held on February 27, but was continued to March 12 at the request of the applicant. Weather conditions canceled the March 12 meeting. This cancellation required the hearing date and time to be re-noticed and posted.)

Reid explained that the original Notice of Intent filing for this limited project under Section 10.53 (e) was for the culvert described above. In order to meet the requirements of the Massachusetts Stream Crossing standards, and to meet the performance standards [under Sections 10.54 (4) inland bank and 10.55 (4) Land Under a Water Body, Reid submitted a revised project plan. detailing a 30 foot long x 12 foot wide wooden bridge with concrete abutments on each end. The concrete abutments will be poured in place. Stone retaining walls will be installed to retain the earth as the slope gets steep. The bridge will be 5 feet above the intermittent stream. The applicant requested a waiver for work in the No-Disturbance and No-Build Zones for the driveway

Installation of the 12 foot wide driveway from Christiantown Road to the house site will alter the Buffer Zone on each side of the bridge as shown on the project plan. The amount of alteration to the Bank is 12 feet on each side of the bridge.

As requested by DEP, Reid said they did the calculations for a 5 and 10 year storm event. The culvert would have handled the flow in a 10 year storm event, but it would not meet the stream crossing performance standard of installing a structure that spaces the channel width by a minimum of 1.2 times the bankful width.

The driveway will be created by stripping the woods mat and top soil and putting down hardener. Utilities will be installed in the driveway and conduit will be placed under the bridge. Instead of bringing in fill for the culvert, the stone will be used. Excavated material will be used on the driveway.

The limit of work for the bridge construction is the top of bank. The limit of work for the overall project is the buffer zone on each side of the intermittent stream.

Commissioners Comments/Questions:

Prudy asked if they have ruled out that there is no access from Indian Hollow Road. Reid said they have. The deed to the adjacent lot (12/31) also owned by this applicant, mentions an old wood road that is no longer accessible. Prudy asked if this driveway will also serve that lot. Reid said no. The easement that

provides access to this lot from Christiantown Road does not extend to the adjacent lot. It might be possible to merge the two lots, but under this application the driveway is to serve only this parcel. Reid will submit the following: A written request for a waiver, a revised project narrative including a construction sequence, and a revised plan that shows the construction limit of work; a location for stockpiling fill and materials, erosion control measures and is signed and stamped.

There was no public comment. The public hearing was closed. A motion was made and seconded to approve the project as presented.

#### **Old Business:**

**Tiah's Cove Road Culvert Replacement:** Maria reported that she has begun working on the grant application. After discussion it was agreed that an application would not be submitted for lack of information. There is a warrant article for \$10,000 for the design and permitting phase of this project. If approved and a project is designed, a future application for grant funding can be sought to cover construction costs.

#### **New Business:**

**Map 3 Lot 15/SE79-351/Rockwood:** Whit said he was walking on Lambert's Cove and noticed that the coastal bank where this project took place has failed. Maria will contact Tom Della Rocco to get more information.

#### **Administrative:**

#### **Correspondence**

<b>In</b>	Map 12 Lot 32/ Notice of Intent Map 14 Lot 9.1 DEP File # letter Copy of letter from Army Corp of Engineers dated 2/20/18 regarding breaching barrier beach at TGP
<b>Out:</b>	Map 11 Lots 36 and 37/SE79-306/Certificate of Compliance/ Driveway Map 43 Lot 2/SE79-381/130 Watcha Club Road/ Order of Conditions

There being no new business to conduct, the meeting adjourned at 6:45PM.

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED