

WEST TISBURY  
CONSERVATION COMMISSION  
MINUTES OF MEETING  
July 25, 2017

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

**Absent:** Peyton Wallace and Tara Whiting

**Staff Present:** Maria McFarland

**Also present for all or part of the meeting:** Cody Coutinho, Linda Coutinho, George Crawford, James Mahoney, Mark Mazer, Ashley Medowski, Glenn Medowski, Ben Robinson, Kirk Safford, Reid Silva and David Smith

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

The minutes of the July 11 meeting were tabled.

**Public Meetings:**

**Map 7 Lot 13:** a public meeting under the requirements of G.L. Ch.131 § 40, as amended, and the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Request for Determination of Applicability** filed by Fullers Energy on behalf of Glenn and Ashley Medowski. The project consists of the installation of a ground mounted solar array and the removal of several trees in the Buffer Zone. The project is located at 367 Lambert's Cove Road.

David Smith of Fuller's Energy presented the project.

The proposed solar array will infringe on the buffer zone by approximately 13 feet. The array will be a ground mounted unit requiring 12-14 footings. The applicant would like to remove up to 6 trees that might present a hazard to the panels. The location of the array was determined by an analysis of the path of the sun using an instrument that allows them to place the array in a location that gives the best solar percentage in relation to the existing trees.

A mini excavator will be used to dig the trench which will be located along the old wood road across the driveway to the house. The conduit will be installed and backfilled as soon as inspected. Any excess fill will be taken away or used to fill pot holes in the driveway.

**Commissioner's Comments/Questions:**

Peter commented on the poor quality of the project plan. The plan does not show the location of the trenching and it is not clear what the setbacks are.

Michael suggested keeping the fill on the uphill side of the trench to avoid runoff toward the wetland.

Prudy asked about clearing around the array. Mr. Smith said there is no need to maintain any vegetation/ground cover under or around the solar array.

**Public comment:**

Linda Coutinho said her mother, Margaret Maida, is opposed to the location of the solar array based on its proximity to the property line.

There was a brief discussion about whether to continue the public meeting until this project is heard by the Zoning Board of Appeals. It was decided that if the location is not approved by the Zoning Board, the applicant will come back to this board for further review and approval.

A motion was made and seconded to approve the location of the solar array under a Negative Determination of Applicability that the project is within a wetland buffer zone but will not alter the resource area. The vote on the motion was 4-2. Whit and Prudy voted no. Motion carried.

Minor conditions will include the following:

- Trenching to be done from the uphill side away from the wetland.
- Any additional tree work within the board's jurisdiction beyond the 6 trees marked and viewed at the site visit requires prior approval of this board.
- Trees will be cut flush to the ground. Stumps will not be ground. No brush cutting under the array.

**Map 7 Lot 170:** a public meeting under the requirements of G.L. Ch.131 § 40, as amended, and the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Request for Determination of Applicability** filed by Mark Mazer on behalf of Barbara Smith. The project consists of the construction of a mudroom, enclosed deck and ramp at a pre-existing single-family dwelling in the Buffer Zone. The project is located at 13 Scotty's Lane.

Mark Mazer said the property owner would like to put a mudroom and deck on the inland (north) side of her house. The mudroom and deck will be constructed on concrete tubes. The footings will be dug by hand and backfilled the same day. The applicant would also like to add an 18 foot long ramp off the porch. The ramp will meet handicap access requirements.

Discussion centered on how to work with the existing grade and a tree that may impact the location of the ramp. Mark said the existing grade may allow him to make the ramp shorter.

Mark asked the board to allow him to angle the ramp a bit if the applicant decides to do so. It would run more in the direction of the wetland, but would be closer to the driveway and would avoid cutting into the grade and backfilling.

#### Commissioner's Comments/ Questions:

Prudy asked that a French drain on the drip line of the eaves of the mudroom be installed. Mark agreed.

There was no public comment.

A motion was made and seconded to issue a negative determination that the project is within a wetland buffer zone but will not alter the resource area. All in favor.

Conditions will include approval of the ramp with a variation of up to 22.5 degrees. Mark will submit a revised plan if the design of the ramp changes. Trucks, materials and equipment will not be stored on the wetland side of the property. Excess fill will be taken off site.

#### Continued Public Hearings:

**Map 14 Lot 2/SE79-368:** 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 an **Amendment to an Order of Conditions issued** to Theodore and Katherine Dreier for a project to construct an addition to the existing

dwelling, construct a new guest house, install a septic system, well and waterline, reconfigure the existing driveway and landscaping and maintain the existing view channels. The amendment, filed by Vineyard Land Surveying & Engineering, Inc., on behalf of the new owners of the property, seeks permission to demolish the existing house, construct a new house, and modify the location and shape of the approved guest house. The project location is 38 Forest Road. The property is owned by Seven Gates Corporation and leased to Water Lily View LLC.

George Crawford, Ben Robinson and Reid Silva participated in the hearing.

Reid and George both submitted revised plans. Reid's plan has eliminated all the outlines of structures approved in the original Order of Conditions. George's plan shows the differences between the original approved project and the new proposed project together with a document that details all the proposed changes together with a construction sequence.

The major changes are an increase in total building footprint area outside the No-Build zone (referred to as zone 2 on George's plan), and new areas of managed lawn. Reid said the landscaped areas are substantially the same with a minor increase in the total managed landscaped area within the outer buffer zone.

The existing house is 17 feet from the wetland edge. The new house will be 43 feet away. The existing shed behind the house has been removed.

The approved addition under the Dreier plan was to be 64 feet away from the wetland edge at its closest point. The new house has been moved north and west to avoid the wetlands. The new house will be located primarily in the outer Buffer Zone, but will encroach on the No-build Zone by 52 feet. The proposed house will be approximately 500 square feet larger than the existing house and approved addition.

The previously approved guest house was 76 ft. from the wetland at the closest point. It now sits on the 50 foot No-Build Zone line. There will be temporary alteration of the No-Build Zone during construction.

The other encroachment into the No-build Zone is the southern corner of the garage. This was done to accommodate a large specimen white oak tree that the owner would like to preserve. . The new garage is 46 feet from the wetland. The amount of disturbance in the No-Build Zone is 14 sq. ft.

George said they will need 12 feet of construction area around garage and guest house. He added that there grading will need to be done near the garage because of the root structure of the oak tree they want to preserve. Vegetation cleared to allow construction of the guest house and garage will be restored to within 8 feet of the garage and guest house.

The second part of the proposed amendment calls for increasing the managed landscape area as shown on George's plan. The applicant would like to convert this natural area to a manicured lawn. The applicant is proposing three areas of managed lawn within the No-Build Zone totaling 4, 220 square feet.

The purple areas on George's plan represent the proposed additional square footage of managed lawn. The darker purple is within the No-build Zone (identified on the project plans as zone 1&2) and the lighter purple area is the outer buffer zone. These areas are around the guest, house and garage, within the existing view channel and natural areas west of the new house.

To offset the increase in managed landscape, the applicant proposes to increase the area previously approved to be unmanaged. The green area will revert back to natural landscape. This nets out to a 350 square foot increase in managed landscape.

The original amount of restoration within the No-Disturbance Zone was 10,085 sq. ft. The applicant would like to reduce this area to 9,891 square feet or 194sq.ft less.

Within the bordering vegetated wetland the Dreier's were required to restore 14,621sq. ft. This is being reduced to 14,384 sq. ft. (237 square feet less).

The section of the driveway that was going to be restored will be left as it is. (This accounts for the reduction in the amount of wetland area being restored.)

#### Commissioners Comments/ Questions:

Peter asked if the bottom of the view channel was going to be ground management as indicated by the purple shaded area on the plan.

Maria replied that there was no permission to do anything beyond what currently exists. In the original permit the applicant and the board was trying to memorialize the existing view channels. Currently, any changes to the 3 approved view channels require additional review. Vegetation in the Buffer Zone is presently required to grow back to the height of the stone wall and can be maintained at that height.

Peter said his point was that they are proposing to have lawn up and within the view channel and asked if this was necessary.

Prudy said there seems to be more impact to the resources areas to accommodate the requirements of Seven Gates. With the garage and guest house separated, the overall footprint is much larger. She went on to suggest that the members only approve the location of the new structures and require the applicant to come back with a landscape plan once the structures are built. She also asked the limit of work line for construction access be shown on the plan and to identify where fill will be stored.

George replied that the construction sequencing document spells this out. The storage area for stockpiling fill and materials will be in the location of the leach field which is outside the Buffer Zone. The construction fence will be placed at the edge of the No-build Zone except in the area of the garage and guest house. The construction fence will be set 12 feet into the No-Build Zone.

There was no public comment.

The public hearing was closed. A motion was made and seconded to approve the changes to the building footprint lay-out and construction as shown on the project plan that is different from the original Dreier plan and to delay approval of any new changes to the landscape plan until the structures are built.

There was a brief discussion on the motion. Peter said that this is a new owner but the permit runs with the land. Maria said the board will need to review the existing conditions to determine what needs to be revised and can't do so in time to issue the permit within 21 days of the close of hearing as required. The applicant was asked whether they were willing to waive the requirement for the Commission to issue the Order of Conditions within the required 21 days to issue a permit. They agreed. Reid will send a letter stating this.

After this discussion, the vote on the motion was unanimous in favor. (Peter was not eligible to vote.)

**Old Business:**

**Map 39 Lot 7/ Edens:** Prudy asked to discuss the site visit to the Eden's property held on July 20. She said that when the board first talked about moving the driveway it was suggested that the huckleberry mat to be removed from the new driveway location be used to restore the area in front of the camp.

Members previously approved a recommendation made by Seth Wilkinson that the area be hydro seeded in the fall. The need for hydro seeding was discussed. Prudy said there never was lawn down to the coastal bank and they should not be allowed to have a lawn now.

At the site visit, Tom was asked to install two sections of straw bales to help with erosion at the site.

Members agreed that the huckleberry from the driveway relocation be used in front of the camp.

**Culvert Replacement Municipal Assistance Grant Opportunity:** There was no update on application.

**Administrative:**

**Map 7 Lot 15. 2/ SE79-348/ 10 James Pond Way/ Morse:** Members reviewed the as-built project plan. It was noted that an underground propane storage tank was installed within 5 feet of the bordering vegetated wetland that was not shown on the approved project plan and was prohibited under the Order of Conditions. The board decided to let the tank stay in place because removing now it would cause significant disturbance. Allowing this tank to stay in place does not set a precedent for allowing underground storage tanks in the buffer zone. . A motion was made and seconded to approve the issuance of a Certificate of Compliance for the house and garage at this site. Vote on the motion was 5-0-1. Whit abstained.

**Map 7 Lot 15: Administrative Review:** Chris Morse would like permission to remove one tree in an already landscaped area that is hanging over a solar panel that was installed on the roof of the new house. The tree will be cut flush to the ground. Approved.

**Map 3 Lot 46/16 Stone Bridge Road/ Administrative Review:** The new owner of this property is doing an interior and exterior renovation of the house. The exterior renovations include new windows, shingling and the removal of a small deck and a ramp on the front porch. The plantings immediately around the house will be temporarily removed. The house is entirely within the Buffer Zone/ River front Area. The house is within the last 15 feet of the Buffer Zone and within the second 90 feet from the wetland on the far side of the house. Ramp being removed is on the south side of the house away from the wetland.

There being no new business to conduct, the meeting adjourned at 6: 40 PM.

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED