

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
July 11, 2017

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

Absent: Peyton Wallace

Staff Present: Maria McFarland

Also present for all or part of the meeting: Brad Chase via conference call, George Crawford, James Mahoney, Ben Robinson and Reid Silva

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

The minutes of the June 27 meeting were approved as revised. Binnie abstained.

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.

This hearing reviewed the second iteration of amendments to the original project as approved for the Dreiers in 2016.

Proposed project revisions shown on the project plan dated July 11, 2017 as follows.

(Note: Scale of plan from May 8, 2017 to July 11 has been changed to 1"=40' and the wetland flag numbers have been removed. Wetland flag numbers below reference the May 8 plan.)

The existing single family dwelling will be demolished. The new house will be pulled out of the No-Disturbance Zone and will be set 40 feet from the edge of the wetland (between wetland flags numbered 23 and 24) and will move to within 53 feet of the wetland on the northwesterly side of the property at wetland flag 18. The new house will expand into existing lawn within the outer buffer zone.

At the request of Seven Gates, the guest house/garage will be separated into two structures. Seven Gates does not want the garage part of a combined structure to become habitable space. The 800 square foot guest house has been moved further back so that the structure will not be visible from the Seven Gates pier. The guest house sits on the 50 foot buffer zone line from wetland flag #11.

In order to preserve a large specimen oak tree, the property owner would like to position the garage to be 45 feet from the edge of the wetland within the No-Build Zone. An existing parking area that currently exists in the wetland has been pulled out of the No Disturbance Zone.

The view channel to guest house will be the same but the pivot point will change. Pivoting the view channel does not require any new clearing of vegetation or cutting of trees. The areas of approved trimming or mowing on the Dreier plan will not be changed

Because Seven Gates may require additional screening of the new structures on this property from the Seven Gates pier, the applicant would have the ability to do plantings within the No-Disturbance Zone. Prudy asked why they wouldn't just let the native vegetation grow back. Ben said that in order to screen from the dock they may need something that will grow higher. Prudy said she wouldn't mind a couple trees being limbed, but does not want to lose the native vegetation.

The applicant would like to maintain a new area of lawn in the Buffer zone. Once the guest house is constructed the applicant will have to submit a landscape plan with a plant list if they want to create any new managed areas. A section of the existing driveway that extends into the no-disturbance zone will be abandoned

George wanted to confirm that the revised location of the structures is acceptable to the board. They can come back with more details on the landscaping.

Commissioner's comments/questions:

Members expressed concern that this project was much bigger than an amendment to the existing Order of Conditions. Reid said that he didn't think there were many changes. The applicant is still asking for approval of a house, guest house and garage. (The original project was for an addition to a house and a guest house. An amendment to the Dreier permit allowed the guest house to include a garage.) The new project is for a much larger new house and two structures for the guest house and garage.

Prudy reiterated that the applicant should have no expectation of an approval of additional managed areas. The applicant is now asking for permission for the new garage to sit 5 feet into the No-build Zone and to increase the lawn area.

Whit stated that he didn't feel that the Commission should be concerned with what Seven Gates wants at this site.

Peter asked if there will be any grade changes. Ben said the house is designed so that there will not be much regrading.

Mike said there is going to be a lot of disturbance during this project.

Prudy noted that one of the findings in the original order referred to the pond on this property as a coastal pond. It is a pond that is fed by a stream and was created when a berm was installed along the coastal beach. This finding will be revised.

Binnie asked for more information on the patio. She suggested that it have a permeable surface.

Next steps:

- The project notes from the original project plan showing amount of square footage of wetland and buffer zone restoration will be put on the new plan.
- The applicant will provide information on the patio.
- Need to add a new limit of work line and show a new edge of lawn.

- George Crawford will submit a narrative outlining all of the requested changes to the originally approved project and a construction sequencing list.

A motion was and seconded to continue the public hearing on this matter to July 25, at 5:40 PM. All in favor.

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.

On the advice of Mark Bartow, DEP circuit rider, Brad Chase has been working to amend the Notice of Intent so that this project may be considered for approval as an Ecological Restoration Limited Project under the Wetlands Protection Act (See 310 CMR 10.24.8.) Brad submitted a draft Appendix A dated June 22, 2017 for review and comments from the Commission. This will need to be sent to DEP.

The Appendix A will replace the original project description narrative. This document and the survey should serve to answer some of the questions raised by NHESP concerning resource delineation, habitat assessment and access to the site. The proposed use of fiber rolls and woody debris has been removed.

Brad anticipates that an excavator will be brought to the site for up to 3 days of work to open up the channel. Brad said there is no way to know what the frequency of maintenance will be.

The Herring Warden would then be allowed to maintain the outlet by hand or otherwise as needed to maintain the site for sea run passage.

Reid has spoken with the new owners of the Peltz property for a possible source for access.

Brad has included two possible channel sizes: 200ft length x 5ft wide and 2 ft. depth would remove 80 cubic yards of material and does not trigger the threshold a Water Quality Certification application and. The second option calls for a large path to be 300ft length: x8ft wide x2.5ft.depth which would remove 222 cubic yards of material which is over the 100 cu yard threshold.

Brad said he has not spoken to Johnny Hoy regarding the size of the dredged area but said he thinks Johnny feels the shoal is really extensive and that he would favor bringing a machine to clear it out.

Whit asked if it was better to get a deep wide incomplete channel in terms of length. Fish should have a minimum of 6 inches at the shallowest point, but 1 foot would be better. Brad said he doesn't have an exact answer to how deep or how wide the channel should in order to make it sustainable.

The discussions then centered on whether the proposal should be for a shorter run and see what happens or go for the longer but less deep run. The minimum width would be 5 feet if using an excavator. The machine will also need to have adequate reach.

Reid suggested putting in some material or physical barrier that would hold the sides of channel and line it.

John and Binnie said they liked Reid's proposal of using walls. Maria said introducing material into the pond would require going back to DEP because it is beyond the scope of the original Notice of Intent. This idea was discussed briefly, and then tabled for future discussion.

In summary it needs to be decided if a smaller project maintained on an annual basis that does not trigger the Water Quality Certification would be more likely to achieve funding from Town meeting rather than a large project with a higher price tag that may need less maintenance on an annual basis.

Brad reminded everyone that the idea of building up the dune to reduce the transport of sand from the ocean side is an important feature of this project which was suggested by Greg Berman, coastal geologist at the Woods Hole Sea Grant who is a specialist in the transport of sand.

One correction to the draft was noted: Brad will change the words salt marsh to beach grass.

Tara does not recommend a big project for fear it will be hard to get funding approved by town meeting.

Prudy asked if we have any indication that we can get written permission from the property owners for access. Whit said he spoke to Susie Trees and Tom Mullins and they are fine with it. Reid said he has talked to the new owners of the Peltz property. They are happy to allow access but don't think they would agree to multiple trips every year. The exact route over whichever property is chosen will have to be sorted out. Susie Trees will have to be asked for permission to put excavated material and plantings on her property.

Maria asked Reid if the Town has used up all of the money the Town approved at town meeting to hire a consultant for the survey work and water quality certification application preparation.

Task 4 of the RFQ provides for a separate price to be quoted for the work to make an application to DEP for the Water Quality Certification. Reid explained that the application is simple but the cost is driven by the number of samples required by DEP. Reid recommends keeping the size of the channel under the threshold.

Peter suggested putting the layout of the channel and the area where the dredged material and beach grass will go on the survey plan.

Next steps:

- Brad, Johnny, Reid and Whit will work on putting the approximate area to be dredged and the location for the placement of dredged material and beach grass on the site plan.
- Maria and Brad will work on a revised letter to NHESP.
- Whit will draft a letter to the property owners for written permission to use their property for access and/or to create a berm that will be planted with beach grass.

A motion was made and seconded to continue the public hearing on this matter to August 15 at 5:10 PM.

Old Business:

Culvert Replacement Municipal Assistance Grant Opportunity: The grant application was submitted on July 10.

Administrative:

Wildlife at road crossings: The Highway Department was asked to keep counts of wildlife (alive and dead) that are crossing in the vicinity of culverts around town. Jesse Oliver reported to Tara that he has assisted 11 turtles in the following areas:

- North Road culvert: 5 painted and 1 box turtle
- Lambert's Cove Road around Medowski/ Old Baptist Church: 4 painted and one snapping turtle in the same area.
- Mill Pond: one dead turtle (possibly painted).

Correspondence:

In: Map 32 Lots 88 & 89/ Wilkinson report on Phragmites project dated July 6, 2017 and email from same stating that a treatment will be done on July 12.

There being no new business to conduct, the meeting adjourned at 6: 50 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED