

WEST TISBURY  
CONSERVATION COMMISSION  
MINUTES OF MEETING  
March 28, 2017

**Present:** Prudy Burt, Binnie Ravitch, Peter Rodegast, Michael Turnell, Peyton Wallace and Tara Whiting

**Absent:** John Brannen and Whit Griswold

**Staff Present:** Maria McFarland

**Also present for all or part of the meeting:** Elizabeth Keary Soule

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

**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 April 18, 2017 at 5:30 PM.

**New Business:**

**Map 38 Lot 1:** Informal meeting with Elizabeth Keary Soule of the Trustees of Reservations (TTOR). Ms. Soule is the manager of the art and landscape program for TTOR

She presented a conceptual plan for an art installation called Chroma Island at Long Point Reservation. The artist, Doug Aitken, proposes to install a 62 x 62 x16 wooden floating architectural structure covered with translucent multi-colored fabric materials in Long Pond. The structure would be on site for 4 months and open from 9:30 to 5 every day. There would be one major kick-off weekend event.

**Issues Discussed:**

- Safety of the structure: Members raised concerns about the stability of the structure in high winds. The opening in the middle of the pavilion presents a safety hazard for swimmers particularly because of its proximity to where children swim.
- Anchoring system: impact to land under water, coastal bank and salt pond
- Increase in visitors: impact on dune restoration efforts, wildlife habitat and shore birds.
- Noise from generators
- Alternative locations
- Neighborhood impacts because of increased traffic
- Contingency plans

Members generally agreed that a structure on land in a more accessible place would be more appropriate. It was recommended that Ms. Soule confer with the Building Inspector and the Planning Board to determine if such a structure would need a building permit or site review by the Planning Board?

In addition, Peter pointed out that an unpermitted roadway has developed over time parallel to the approved boardwalk along the pond shoreline that is used by ATV's. Ms. Soule said she would pass Peter's comment along to Chris Kennedy.

A Notice of Intent with engineered stamped drawings would be required. No action was taken.

**Map 32 Lot 95/ Mill Pond/ Trimming: Administrative Review:** Pruning work on the police station side of the pond was approved. Prudy will coordinate the work with Parks & Recreation. Members thanked Prudy and her brother Patrick for volunteering to perform this work.

**Map 3 Lot 2.1/ Sutula:** Maria reported that she received an email from Mr. Sutula on March 21 regarding his plan to remove some trees from an area designated as the Building Zone under a Conservation Restriction held by Sheriff's Meadow Foundation. His email indicated that the trees were not in the Buffer Zone and therefore not within the Commission's jurisdiction. Earlier today, Maria received a call from Mr. Sutula's neighbor that trees were being cut down in the Buffer Zone. Maria notified Mr. Sutula by email that she was going over to the property in the hope of confirming the location of the trees and apologized for not responding to his initial email.

The landscapers were still on site and explained to her how they determined the trees were outside the Buffer Zone. Upon review, the Building Zone and Buffer Zone line overlap and it is unclear on the ground. If the three trees that were cut down are in the Buffer Zone, they are within the last 10 to 15 feet. In a subsequent phone call to the landscaper, Maria asked that they not grind the stumps until the location of the trees could be confirmed in keeping with the board's policy when trees are approved for removal.

A letter will be sent to Mr. Sutula informing him that he needs to verify the location of the trees before the stumps can be ground and that he has to install permanent boundary markers placed along the Buffer Zone line so that this never happens again.

#### **Old Business:**

**Map 8 Lot 6/ SE79-307/Request of Second Extension of Order of Conditions:** A motion was made and seconded to approve a second extension of this permit to renovate an existing structure. All in favor.

#### **Administrative:**

##### **Correspondence**

**In** Letter from Geospatial Planning Advisors dated March 20, 2017 regarding financial assistance to update Open Space Plans. Maria will find out more about this organization and the proposal.

**Out:** Map 6 Lot 7/SE79-377/Order of Conditions  
Map 36 Lot 1.1 TRI Letter

There being no new business to conduct, the meeting adjourned at 6:20 PM.

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED