

WEST TISBURY  
CONSERVATION COMMISSION  
MINUTES OF MEETING  
June 14, 2016

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

**Staff Present:** Maria McFarland

**Also present for all or part of the meeting:** John Brannen, Candy DaRosa, Kent Healy, Chris and Hope McLeod, Reid Silva, George Sourati, Tom Tate and Bill Wilcox

The meeting was called to order at 5:02 P.M. Tara Whiting Chairman presiding.

**Minutes:** Approval of the minutes of the May 10 and May 24 meetings were tabled to the next meeting.

**Continued Public Hearings/Meetings:**

**James Pond/SE79-364:** continued 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 the 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. (Note: Peter Rodegast was not present for this hearing.) Brad Chase joined the meeting via conference call.

The report from Greg Berman of the Woods Hole Sea Grant Program dated June 3, 2016 was discussed. Brad said he viewed Greg's report as final. Whit suggested that the first sentence of the site details paragraph on page to be revised by changing the words "open and maintain" the channel to "improve". Maria will ask Greg to make that change; otherwise the board accepted the report.

Members also reviewed and edited a draft of a scope of services for the survey work. Brad suggested that the scope be narrowed to focus on the surveying work and data required to meet the requirements of the Natural Heritage and Endangered Species Program.

A motion was made and seconded to approve the scope of services as revised. The vote on the motion was unanimous.

A motion was made and seconded to continue this public hearing to June 28, 2016 at 5:05PM. All in favor.

**New Public Hearings:**

**Map 6 Lot 7255 John Cottle Road/WTCC 2016-2:** a public hearing under the requirements of the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by Sourati Engineering Group LLC on behalf of Mark A. Beaudoin, Trustee, of the Paul's Point Area Realty Trust. The project consists of the widening of an existing cart path from 3" to 6" in width and to maintain same. The work is proposed within the buffer zone to a 790+/- sq. ft. isolated wetland.

Mike recused himself from voting on this project because he is the landscaper for this applicant.

George Sourati presented the applicant's proposal to widen the path so that a golf cart can access the beach. The total length of the path is @420 feet, of which 100 feet is within the Buffer Zone. At the closest point, the path is 54 feet from an isolated wetland. The widening will be done by mowing and brush cutting on the upland side of the existing path. The surface will remain grass.

There was no public comment. The public hearing was closed.

Binnie made a motion to approve the project as presented. Prudy seconded the motion. Binnie, Prudy and Tara voted in favor of the project. Whit abstained. Motion carried.

**Map 7 Lot 27 2/290 Lambert's Cove Road/Karen H. Campbell Trust/SE79-369:** 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 Vineyard Land Surveying & Engineering, Inc. for a project to abandon an existing cesspool and to construct a Title V septic system and perform associated site work. The project location is 290 Lambert's Cove Road, Assessors **Map 7 Lot 27.2**. The property is owned by the Karen H. Campbell Family Trust.

Reid presented the project. The property borders Mayhew's Trout Pond. There is a large wetland system adjacent to the property. The proposed septic system location was dictated by separation setback requirements of the board of health. The edge of the field is shown on the plan. The field edge extends in the boarding vegetated wetland. The existing cesspools will be abandoned and filled.

Reid described the two possible routes for equipment access. The slope of the property is problematic. The easiest and less disruptive access would be to enter the property from Lambert's Cove Road through a temporary break in the stone wall. They would have to strip some of the top soil to make the hill more level but it would be significantly less disturbance to the Buffer Zone. In the event this access is not used, the applicant will submit a revised plan showing access from a gate through the buffer zone, erosion control measures and a proposal for restoration of the Buffer Zone upon completion of the project.

Commissioners' Comments/Questions:

Prudy asked Reid if his client would stop mowing into the bordering vegetated wetland. Reid said he didn't think that was unreasonable.

Peter suggested asking them but not making it a condition of the Order. Prudy said she thought it should be a condition. Binnie and Tara agreed.

There was no public comment. The public hearing was closed.

A motion was made and seconded to approve the project as presented with the following special conditions:

If the access route for installation of the leach field is within the board's jurisdiction the applicant will submit a revised plan showing the route and erosion control measures and proposal for restoration.

Mowing into the bordering vegetated wetland shall cease and disposal of landscape waste in the wetland shall be discontinued.

Permanent concrete or granite markers will be placed at the wetland edge every 25 to 50 feet to serve as a symbolic boundary line to keep mowers out of the resource area.

The vote on the motion was unanimous.

#### **New Business:**

**Upper Makonikey/ Capawock Road drainage work:** Maria reported that the building inspector informed her that a drain was put across Capawock Road with a pipe that runs toward a wetland. An email from Matt Merry of John Keene describing the project was read for the record.

The location of the overflow pipe was dictated by the location of underground utilities. The new drain catches the sediment rather than having the sediment run directly into the wetland.

The work is considered maintenance of an existing road which will improve conditions to the extent possible. No action was taken.

### **Informal meeting with Bill Wilcox: Dukes County Conservation District Grant**

In his capacity as Chairman of the Dukes County Conservation District, Bill was present to ask the board for a letter of support for a \$35,000 grant for a project to take a closer look at the Mass Estuaries Project (MEP) nitrogen load numbers from agriculture activities. Bill explained that when he was the Water Quality Planner at the MVC, he worked on a draft of the nitrogen loading model used in the MEP. Bill said that the figure that came out of the School of Marine Science and Technology (SMAST) is more than 2000 kilograms of additional load than he thinks it should be. Bill added that he thinks the total nitrogen load is fine, but the 2000 kilogram number belongs in the wastewater column or in a number associated with some sort of runoff.

If the grant is awarded, the Conservation District will hire someone to visit all 70 parcels that were identified as having some type of agricultural activity on them. A nutrient budget will be prepared for each parcel. The goal is to either verify the MEP numbers or come up with more accurate numbers.

The study will also help identify any farming practices such as wide open access of livestock to streams that are no longer considered best management practices and work with farmers to improve conditions with help from various agencies.

Prudy asked if this project could include something about soils testing where hay fields are being fertilized. Bill did not know the answer but he did think it should be taken into account. He added that they can make people aware of all the soils testing that are available.

A motion was made and seconded to send a letter of support to the Dukes County Conservation District for this project. All in favor.

### **Informal Discussion with Kent Healy regarding water quality testing for Tisbury Great Pond**

At the Administrator's request, Kent was present to explain why the Tisbury Great Pond Riparian Owners are hesitant to pay for any future testing of water quality samples taken in Tisbury Great Pond under the proposal between the MVC and Coastal System Program and SMAST.

Kent gave a summary of what he has done for testing over the years. Kent told the member that the Riparian Owners have not received test reports from the MVC for the last 3 years of sampling that Sheri Caseau did with Kent.

Prudy said she would like to know who is paying the \$3,300 mentioned in Sheri Caseau's email to Kent dated April 22, 2016 and whether this figure represents the town's share of the cost of the proposal noted above. If not, she would like to know what the town's share of the study is.

Maria was instructed to follow up with Sheri Caseau. No action was taken.

**Map 15 Lot 2.1/204 Indian Hill Road/Cournover/Letter:** Maria asked for guidance on writing this letter because there is no evidence of a current violation. According to John Powers, Animal Inspector, there haven't been cows on this property since December of last year. Prudy said there is evidence of the cows being there in the past and the purpose of the letter would be to educate the owner about grant programs for fencing and improving future farming practices.

**Informal meeting/ Map 3 Lot 63/Purchase of 170 Lambert's Cove Road:** Chris and Hope McLeod were present along with George Sourati and Candy DaRosa to discuss whether the board would entertain an application to put an addition on the existing 2 bedroom house. There is also a detached bedroom and shed on the property. The property is located within the Riverfront Area.

The McLeods submitted a sketch plan of a possible design. An addition would consist of a first floor master bedroom suite and a workshop with no access from inside the house. The septic system is already approved for 6 bedrooms. The existing lawn would be allowed to be maintained provided it is not mowed right to the edge of the wetland. It was explained that the board might look for mitigation of any clearing within the first 25 feet of the

Buffer Zone and that there should be no expectation that they would be able to expand the lawn. A notice of intent and a new project plan would be required. No action was taken.

**Old Business:**

**Map 14 Lot 2/SE 79-368/Drier:** Special conditions were reviewed and approved.

**Map 1 Lot 50/SE79-358/Landscaping/restoration:**

Meeting with Tom Tate to review his narrative for landscaping and view channels.

In accordance with special condition 14 of the Order of Conditions, Tom was present for approval of the landscape plan as outlined in a narrative dated June 14, 2016 and shown on a hand written mark-up of the As-Built Plan dated April 27, 2016.

A motion was made and seconded to approve the landscaping plan as detailed below. The vote in favor was unanimous.

- The area around the well shall be restored by allowing the existing vegetation to grow back. If needed, Tom may plant Bayberry, Beach Plum and Viburnum as well as plugs of on-site huckleberry. The area of restoration around the well will be monitored for erosion. Erosion control barriers shall remain in place until the site is stabilized.
- The proposed canopy thinning as shown on a photograph submitted to the board was approved. No trees or understory will be removed and no brush cutting is allowed. The overhanging branches and dead limbs along the path may be removed. The width of the path shall remain as is. All slash shall be disposed of offsite. All work will be done with hand saws. No heavy equipment will be used.
- The two restoration areas within the first 50 feet of the Buffer Zone (shown on the May 4, 2015 site plan) shall be left to grow back.
- The use of a fine fescue sod is permitted. Irrigation for the sod will be above ground. No underground irrigation system is permitted within the Buffer Zone.
- The railings and treads on the beach stairs will be replaced with mahogany. No pressure treated wood will be used.
- The Japanese Knotweed should be removed and monitored to prevent spread.

Tom was reminded that the use of fertilizers is not permitted in the Buffer Zone to the coastal bank.

Once completed, a site visit will be done in order to issue a Certificate of Compliance.

**Map 3 Lot 91/ Lambert's Cove Beach/ Survey Map from VLS:** Members reviewed a topographic plan with benchmarks for the path at Lambert's Cove Beach prepared by Vineyard Land Surveying & Engineering. The survey will be updated during the first week of May and October for 5 years to monitor changes in grade and elevation of the path. A thank you letter for this "pro-bono work will be sent to Reid Silva. No action was taken.

**Map 31 lot 3/ Burt Well:** A new well to be located 85 feet from a bordering vegetated wetland was approved under a Determination of Applicability in 2015. At the time Kent said the well would either be hand augured or done using a small drilling rig. Access to the well location will be from the north side of the house requiring a few tree branches be trimmed.

The new plan is to drill a well which will require a much larger well rig to access the site down a steep hill. Maria did not have a clear explanation as to why the well could not be hand dug and was instructed to ask John Clarke to come to the next meeting. No action was taken.

**Administrative:**

**New Member:** Members met with John Brannen to discuss becoming a full member of the board. John submitted a letter of interest and has attended two meetings and site visits. A motion was made and seconded to recommend Mr.

Brannen to the Board of Selectmen for appointment to the Commission as a full member. The vote on the motion was unanimous.

**Correspondence:**

**In:** Letter of interest from John Brennan dated May 27, 2016

**Out:** Map 7 Lot 13/SE79-365/ Medowski/ 367 Lambert's Cove Road/Order of Conditions  
Map 11 lots 39 and 109.1/SE 79-367/ 40 Pepperbush Way/Land Bank/ Order of Conditions  
Map 7 Lot 69/WTCC2016-01/ 52 Longview Road/ Order of 1 Conditions  
Map 14 Lot 8 /Seven Gates/ Plan/Packer leased field

There being no new business to conduct, the meeting adjourned at 7:20 PM.

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED