

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
January 12, 2016

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

Absent: Michael Turnell and Tara Whiting

Staff: Maria McFarland

Also present for all or part of the meeting: Tom Chase, Kristen Fauteux, Tom Robinson, and Reid Silva

The meeting was called to order at 5:10 P.M. Whit Griswold, Vice-Chairman presiding.

Minutes: The minutes of the December 12 meeting were approved as amended.

Public Meetings/Hearings:

Map 13 Lots 4 & 5/SE79-362: 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 Sheriff's Meadow Foundation (SMF) for the property known as **Cedar Tree Neck Sanctuary, located at 51 Walter Hillman Road**. The projects consists of work associated with implementing the management plan for this property including restoration, habitat management, invasive species control and public access improvements consisting of new trails, view channels and boardwalk maintenance.

The project narrative was reviewed as follows:

Trails: There is a half mile of existing neighborhood trails that will be trimmed and maintained within the outer buffer zone. SMF plans to install 1.25 miles of new trail within 3 buffer zone areas. Public trails may be three feet wide and are exempt from review under the Wetlands Protection Act. The review of trails within the buffer zone is under the local bylaw only. Outside the buffer zone, trails will be 4 feet or wider to accommodate school groups.

Kristen said in layout the trails they tried to use existing crossings where possible. They are constrained by a deed restriction on the Hough parcel that requires the trails to be more than 100 feet from the 3 house lot boundaries. These house lots are shown on the project plan. Within the Riverfront Area there will be 500 feet of new trail that will cross the stream in two locations.

At one location, Kristen proposed crossing the stream and continuing along a mossy berm. At the site visit, it was suggested that this section of trail be moved to direct foot traffic away from the berm. Kristen agreed to make this adjustment and will revise the written narrative to reflect this change.

Boardwalks: Currently there are planks of pressure treated wood in the stream. These will be replaced with slightly raised boardwalks made out of locally sourced pitch pine or decay resistant wood. Kristen will submit a schematic showing the design of the boardwalk and the type of anchoring system.

View Channel within the buffer zone: Tom Robinson said they are looking to get a distant water view of Gay Head and the Elizabeth Islands. The closest tree to be removed for the view channel is 50 feet from the wetland. There are 4 or 5 trees to be removed between 50 and 100 feet of the wetland. There are no trees to be removed within 25 feet of the wetland. Tom asked for guidance on what to do with the material that is cut down. There won't be much material in the buffer zone but there will be a significant amount of slash and hardwood that will need to be removed by taking it through the buffer zone. Kristen

said they could use the old cranberry road. The second view channel is outside the Commission's jurisdiction.

Junk piles: Kristen would like permission to remove junk in the buffer zone, wetlands and stream.

Commissioners; Questions/comments:

Whit asked at what point is SMF required to comply with building and handicapped accessibility codes. Kristen said usually it is 6 feet in height for boardwalks.

Prudy questioned the need to mow within the buffer zone to improve box turtle habitat. Kristen said the turtle habitat is less than an acre with a small section in the buffer zone. Prudy asked if they could achieve their goal without mowing into the buffer zone. Kristen was not amenable to this suggestion, but said they could start by mowing outside the buffer zone.

Whit asked if the tree slash could be burned. Tom said good forestry practice is to chop it up and leave it. This is not a situation where you could do a prescribed burn.

With respect to the view channel, Prudy suggested first cutting down the trees that are outside Commission jurisdiction in order to get a better idea of what needs to be cut within the buffer zone.

Prudy asked about their plan to use herbicides for invasive species management: Kristen said that language is boilerplate in all of her management plans. There aren't any invasives species on this property at this time.

Prudy asked Kristen to consider a phased approach to putting in the trails on Map 13 Lot 6.1 and to use the roads where ever possible to avoid going close to the wetlands in order to keep the habitat intact. Kristen responded that the habitat is not intact; it is an old cranberry bog. Kristen went on to say that having trails that go close to the wetlands is part of the plan so that people get an opportunity to see the old bogs.

A second site visit will be done on January 21 in order to view the rest of the project site and the area where Prudy would like the trails to be relocated.

With the consent of the applicant, a motion was made and seconded to continue the public hearing on this matter to January 26 at 5:10 PM. All in favor.

Map 11 Lot 109-2/Ross: public meeting under the requirements of the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Request for Determination of Applicability** filed by Vineyard Land Surveying & Engineering on behalf of John C. Ross, owner of property located at **60 Pepperbush Way**. The applicant would like to install a driveway within the buffer zone to two isolated wetlands. These wetlands are protected under the local wetlands bylaw.

Reid Silva represented Mr. Ross. The proposed location of the driveway will pass within 74 feet of an isolated wetland. The location of the proposed house is outside the buffer zone. Reid submitted a plan dated October 22, 2015 showing the limit of work silt fencing that was required by the Natural Heritage and Endangered Species Program for the protection of eastern box turtle habitat.

A motion was made and seconded to issue a Negative Determination that this work is within the buffer zone but will not alter a resource area, subject to the condition that construction fencing be placed on the west side of the new driveway to establish a tighter limit of work. No work shall be done between the

construction fencing and the silt fence barrier that has been installed to provide a travel corridor for eastern box turtles. All in favor.

New Business:

Map 38 Lot 1/Tom Chase: Tom Chase was present for an informal discussion regarding an amendment of a conservation restriction (CR) between Watcha Homer Trust (the property owner) and The Nature Conservancy (TNC).

Currently, TNC holds a CR on Map 38 Lot 1 that prohibits horseback riding. The property owner and TNC have come to an agreement to amend the CR to allow horseback riding in exchange for the property owner's interest in a parcel to the north of lot 1 known as Map 29 Lot 81. Tom said the reason TNC is willing to agree to this amendment is because they own the properties to the east and west of Map 29 Lot 81. Acquiring this parcel will give TNC control a large tract of undisturbed sandplain grasslands.

Tom explained to members that he is seeking preliminary approval of the CR amendment before taking to the Board of Selectmen for their signatures. The Board of Selectmen will want to know that the Commission is ok with it.

This CR has been in place since 1993. The property owner has vast real estate holdings in this area that have been on the market for a few years. Tom said the property owner feels that having horseback riding trails may help make the property more marketable.

Tom said that getting an amendment is very hard to do unless there is an overwhelming conservation advantage to doing so. By acquiring Map 29 Lot 81, TNC feels that this will give them that overwhelming conservation advantage because they will be able to do significant management and restoration of the sandplain grassland which they feel mitigates the appearance of any conflict with the horse trail.

Commissioners' comments/questions:

Prudy asked about habitat fragmentation and questioned why the trail needed to be 10 feet wide. Binnie said she thought 10 feet was too wide and that five feet would be adequate.

Tom replied that they are not concerned about fragmentation, because they will be getting a large tract of land to the north that is all within priority habitat. The trail would create insignificant fragmentation in exchange for the ability to create a large and meaningfully tract of land containing sandplain grassland.

Whit asked why this area is this biologically critical: Tom responded that the sandplain grasslands habitat is one of the state's highest priority habitats.

Peter said that the overwhelming benefit for TNC and the public is to allow the trails in order to be able to own and manage the sandplain grasslands.

Maria asked if they allow horseback riding on other TNC properties on Martha's Vineyard. Tom said no. Maria also asked if NHESP has signed off on this proposal. Tom said he would confirm that they have given their approval.

Whit asked what the Commissions' role in this matter is if there are no wetlands on the property. In Massachusetts, the state requires the municipality to sign off on the CR. The Selectmen look to the Commission to determine if the CR is in the public good before they sign the documentation.

Prudy express a concern that allowing this would open up possible future horse related activities on the property such as a hunter/jumper course. Tom asked what the concern is. Prudy used the example of the state forest in the fire lanes where there is a proposal for a privately funded project that if built, could impact vegetation.

Board members were generally supportive, but expressed concern about the 10 foot width of the horse trail and possible horse related uses that might include, for example, a jumper course or other commercial activity. Tom offered to come back with some more information before the board takes a vote. No action was taken.

Administrative:

2015 Annual Report: A motion was made and seconded to approve the 2015 Annual Report. All in favor.

There being no new business to conduct, the meeting adjourned at 6:30 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED