

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
November 28, 2017

Present: John Brannen, Prudy Burt, Binnie Ravitch, Michael Turnell and Tara Whiting

Absent: Whit Griswold, Peter Rodegast and Peyton Wallace

Staff Present: Maria McFarland

Also present for all or part of the meeting: Sheri Caseau, Emma Green-Beach, Kent Healy, Reid Silva and Isaiah Scheffer

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

Minutes: The minutes of the November 7 meeting were approved as revised. John abstained.

Public Hearings:

5:10 PM/Map 14 Lot 7.1: : a public hearing under the requirements of G.L. Ch.131 § 40, as amended, and West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by Vineyard Land Surveying and Engineering Inc. on behalf of Peter and Lucy Cox for a project located at 9 Schoolhouse Lane, Seven Gates. The applicant has requested that the Commission determine whether the resource area on this property is a perennial or intermittent stream and seeks approval of the reconfiguration of an existing driveway and parking area.

Reid Silva presented the proposed project.

The original resource delineation submitted to the Commission when the house was constructed placed this property in the Riverfront Area. Reid said the property owner was required to wait until the Order of Conditions for the house expired before they could file a Notice of Intent for a determination on whether the stream could be designated as intermittent in the sections as shown on the project plan.

In accordance with the provisions of 310 CMR 10.58, Vineyard Land Surveying conducted 6 days of observation in September 2015 during a period when the area was not under a drought or a drought warning. Photographs documenting the conditions were included with the Notice of Intent as was the sworn affidavit that is required. Vineyard Land Surveying determined that a portion of the stream bed remained dry throughout the observation period and is identified on the project plan as “intermittent drainage way” (flags 1 through 8). The downstream segment observed as “wet” (flags 9 through 13) is designated on the plan as “perennial stream.”

The total area of new clearing is 272+/- square feet. A small section of work is in an already disturbed area. The existing driveway material is blue dense mix. To the extent possible, the existing driveway material will be used in the new parking area.

Prudy asked about the purpose of a drainage pipe observed at the site visit that is not shown on the project plan. The pipe is located in front of the stone wall in an area that can be driven on and runs to daylight. Reid said he wasn't aware of the pipe and will look into it.

The property owner would like to remove one dead tree and one tree that is hanging over the garage. There is one white oak in the project area that Prudy and Mike thought should be preserved.

Reid will revise the project plan to show the square footage of areas to be cleared and to identify the white oak that will be preserved.

Absent a DEP file number letter, a motion was made and seconded to continue the public hearing on this application to December 12 at 5:10 PM. All in favor.

Old Business:

Informal Meeting Tisbury Great Pond

Topics Discussed:

Responsibilities for testing:

John asked who is responsible for taking samples to test the water quality.

Maria answered John's question in terms of who is responsible on the regulatory side. The Shellfish Constables in conjunction with the Division of Marine Fisheries is responsible for testing bacteria levels to determine if the pond can be opened or closed to shellfish harvesting.

The Commission does not oversee water quality testing under the surface water quality regulations. The MVC as the Regional Planning Agency with a water resources planner on staff has taken care of the sampling for the Massachusetts Estuaries Project. (MEP).

Prudy explained to John that the Conservation Commission sponsored the warrant articles that appropriated the money to place Tisbury Great Pond into the MEP and the board wrote letters of support for grant funding to pay for the cost of processing samples. Data was collected by Bill Wilcox, for three years (2005-2007) as part of getting Tisbury Great Pond enrolled in the MEP. Bill also did sampling in 2008-2010. The MEP report was issued in May 2013.

Water Quality Reports/Sampling Schedules:

The 2014 and 2015 reports prepared by Sheri Caseau, Water Resource Planner for the MVC were noted for the record and the following revisions to the 2014 and 2015 reports were suggested.

John noted that the 2009 and 2010 reports include the dates the pond was open and for how long and should be in all the reports because the length of time the pond is open has an impact on the water quality.

Prudy asked Sheri to add an Executive Summary to each of these reports, after acknowledgements and background that includes the dates the pond was opened and closed and dates of sampling.

Prudy also requested that language be added to the section on salinity data in the 2015 report that Town Cove, Tiah's Cove and Deep Bottom Cove all have fresh water inlets.

Sheri said she would make these revisions. She is working on the 2011 and 2013 reports.

There was no sampling done in 2012. Sampling was conducted twice in 2014 and once in 2015. No data was collected by the MVC in 2016 because of a miscommunication with Kent. She thought he and Bill Austin were doing the sample collections for Nitrogen, but they were only checking salinity, temperature, conductivity and Secchi Disk. The 2016 testing was paid for by the Riparian Owners.

Prudy asked that there always be four rounds of samples at each of the sentinel sites (Nos 4, 5, 6 and 7 on the MEP map.)

Sheri explained that the number of samples was based on the amount of funding she had in a given year. In 2017 she was able to collect 2 samples in June and 2 in July. For 2018 she plans to do July and August. If the Town wants to sample in May, June and September she will need to talk with the Town about additional funding to pay for testing the samples.

Winter testing: At the last meeting Emily Reddington said she was doing sampling in the winter in Edgartown Great Pond to track seasonal variations. Sheri said she isn't planning to do any winter sampling.

Sheri mentioned that she is working with Kent to do sampling before and after pond openings if she can to see the affect.

Mike asked why testing isn't done year round and if there was a concern about the impact of surface water runoff. Emma Green-Beach replied that she thought Bill Wilcox did it for a while and it wasn't worth it.

Kent said the Board of Selectmen is entertaining the idea of hiring a part-time shellfish constable. Maria asked if a part- time seasonal staff person was going to provide enough coverage. Isisah and Emma both indicated that it would be great to have another person.

Kent says he has tracked pond openings since 1994 and all that data is on file with this office. His data is recorded by the Epoch date. For example, in 2017 the pond was opened on day 220

(August 8) and stayed open for 30 days. Prudy asked if Kent's data could be put into an excel spreadsheet. Sheri offered to see if the high school would be interested in this for a project.

Future testing:

There was a discussion about testing septic systems sampling to determine bacteria sources. Isiah offered to call Dave Grunden, the Oak Bluffs Shellfish Constable to find out what type of testing they did to determine sources of bacteria.

Sheri said she has had discussions with MEP about doing a circulation study. She said the modeling would cost \$18,000. Kent said such a study wasn't needed and that it is more important to test the groundwater.

Sheri explained that she puts together a lot of ideas and proposals for grant money for various projects and has a lot of conversations with MEP/SMASST.

Prudy said she wants efforts to concentrate on water quality testing and not worry about money to do other studies and modeling. Maria asked that the Conservation Commission be kept in the loop about proposals.

Tara asked Isiah if he could provide copies of the DMF reports. He said he will send us 5 years of reports.

The next meeting of this group will be the public hearing on the TMDL draft report for the January meeting. No action was taken.

Administrative

FY 2019 Budget: A motion was made and seconded to approve the FY 2019 budget and budget submission form. All in favor.

Map 7 Lot 162/ SE79-141/ William Stewart: This property has been sold. A site visit was conducted on November 27. A motion was made and seconded to sign a Certificate of Compliance for a 1997 septic system upgrade at 16 Scotty's Lane. All in favor.

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

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED