

WEST TISBURY  
CONSERVATION COMMISSION  
MINUTES OF MEETING  
September 26, 2017

**Present:** John Brannen, Prudy Burt, Whit Griswold, Michael Turnell, Binnie Ravitch, Peter Rodegast and Peyton Wallace

**Staff Present:** Maria McFarland

Also present for all or part of the meeting: Caitlin Borck, Sheri Caseau, Linda Coutinho, Ray Gale, Emma Green-Beach, Kent Healy, Johnny Hoy, Rick Karney, Omar Johnson, Virginia Jones, Chris Kennedy, Jeffrey Maida, Christian Petitpas, Emily Reddington, Julie Russell, Kirk Safford, Isaiah Scheffer, Tom Tate, and Bill Wilcox

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

Approval of the minutes of the September 12 meeting was tabled to the next meeting.

**Old Business:**

**Map 1 Lot 50/ SE79-358:** Tom Tate informed the board that this property has been sold and the new owner would like to proceed with construction of the pool but would like to modify the location of the pool fence and add some plantings. Tom requested approval of a revision to the landscape plan for this project in accordance with special condition # 14. Members reviewed a revised plan. As originally approved, the pool will be located just outside the Buffer Zone. The original plan called for a fence set back 5 feet from the edge of the pool.

Under the new plan the pool fence will be shifted 11'9" to the north to provide space around the pool for lounge chairs and a play area. The existing lawn and grade will remain unchanged. Tom would like

approval for planting beds of native species between 2 to 3 feet wide as shown on the revised plan. The written request states that a plant listing will be submitted in the spring of 2018. Existing erosion control measures surrounding the well area will stay in place and new erosion control measures will be placed as shown on the plan.

Tom said that at the request of an abutter, he would be planting Clethra on the berm that was created to provide a buffer to the neighbor's property. Prudy and Michael suggested that wetland plants not be used in a dry area. This area is outside the Commission's jurisdiction.

Tom said the temporary irrigation in the area around the well can be removed. After a significant storm in July there was a lot of runoff toward the fencing. Tom said he put jute matting down to help stabilize this area.

Peter asked about the need to grade around the pool. Tom explained the reasons he did not need to change the grade

Members discussed filling and draining the pool. Because the pool is outside the Buffer Zone, a finding was included in the Order regarding filling and drawdown, but it was not a condition of the permit. The only condition regarding the pool is that chemicals for the pool be kept outside the Buffer Zone. The ZBA permit has detailed conditions about filling and draining the pool.

Tom said the pool water will be pumped into a drain and discharged to a drywell.

Prudy asked that the board amend the order based on a boiler plate condition that the board reserves the right to amend an Order. After discussion it was decided that a letter will suffice to cover this issue.

A motion was made and seconded to approve the requested revision to the landscaping plan to accommodate the new location of the pool fence

and plantings with the planting list to be submitted to the board at a later date for approval. All in favor.

**Map 7 Lot 13/ Medowski/ Solar Array:** The location of the solar array was approved under a Determination of Applicability on July 25, 2017. The array also required a permit from the Zoning Board of Appeals. At the request of an abutter, the Zoning Board required the location of solar array to be shifted 5 feet closer to the wetland with plantings between the back of the solar array and the property line.

Members discussed the use of Leyland Cypress trees which the applicant said is a good screening tree but it can become weak.

There are no changes to the size of the array or other changes to the project that would change the board's determination.

Prudy noted that this is the reason applications should be kept open when we are aware that there are potential issues.

Public Comment:

Linda Coutinho asked about the plantings. She said her mother is looking for instant screening. Michael suggested native cedars.

Kirk Safford of Fuller Energy was present. He said he was not prepared to speak on this project.

A motion was made and seconded to approve the new location of the solar array. All in favor. The board agreed that they would prefer a different species of tree such as native red cedar be used, but it is not a condition of approval.

**September 26 informal meeting on Tisbury Great Pond water quality and management:**

Tara welcomed representatives from the following stakeholders to this meeting:

- WT Board of Health/ Omar Johnson
- WT and Chilmark Shellfish Constables/ Ray Gale and Isiah Scheffer
- WT Herring Warden/Johnny Hoy
- WT Shellfish Committee/Ginny Jones
- Riparian Owners/ Kent Healy
- WT Board of Selectmen/ Kent Healy
- Division of Marine/ Fisheries Christian Petitpas
- MV Shellfish Group/ Emma Green-Beach and Rick Karney
- Martha's Vineyard Commission/ Sheri Caseau
- Dukes County Conservation District/ Bill Wilcox
- The Trustees /Caitlin Brock and Chris Kennedy
- MV Land Bank/ Julie Russell
- Edgartown Great Pond Foundation/ Emily Reddington

The meeting began by going around the room so that people could describe their role in water quality testing in Tisbury Great Pond.

**The Board of Health:** Omar Johnson said he is responsible for water quality testing as it relates to private water supply, public water supply and bathing beaches. He tests for nitrates and nitrites.

**Shellfish Wardens/ Division of Marine Fisheries (DMF)** Isaiah Scheffer, Chilmark Shellfish Warden, and Christian Petitpas, microalgae specialist from DMF explained how their work is connected.

Isaiah said he does water quality sampling for the whole pond with DMF. He takes Christian out to test for fecal bacteria.

The monitoring is done 5 times a year at 10 sites around the pond. There are 15 to 20 data points that classify the water. Certain thresholds

have to be met or the pond is closed to harvesting shellfish. Christian explained that the monitoring data goes back at least 15 years.

DEP sends the reports to the shellfish constables. Ray Gale, West Tisbury Shellfish Constable said he gets these reports. Tara asked if the Conservation Commission could be included on the distribution list for these reports. Isaiah said they could do that.

**Martha's Vineyard Commission:** Sheri Caseau is responsible for water quality testing as it relates to the MA Estuaries Project (MEP). She has continued the sampling started by Bill Wilcox.

Sheri takes samples to be tested for nitrogen, phosphorus and all species of nitrogen. She also measures temperature, salinity, dissolved oxygen, conductivity. These are valid indicators of the quality of the water in the pond. She does not test for toxic substances. Currently samples are taken twice in July and August. She would like to add a June and September test as well as winter testing.

There are a total of 9 sampling sites as shown on the map in the MEP report. Four of these sites are considered by DEP to be the sentinel sites where ongoing testing will be done until such time as DEP determines that the nitrogen level in the pond has been reduced in accordance with the TMDL report.

Prudy asked Sheri which of the sentinel sites listed in the draft TMDL report she is sampling. The four sites that DEP has identified as the sentinel sites are located at the head of Pear Tree Cove, Tiah's Cove, Deep Bottom Cove and site 7 that is out in the middle of the pond. Sheri replied that the SMAST protocol calls for testing all the sites and the samples are sent to the UMASS lab for testing.

Prudy responded that she would like to have better sampling of the 4 sentinel sites that are representative of the pond and it is important to concentrate resources on sampling at these 4 sites. She said she wants to

see more consistent results for the 4 sites and would like to get back to a system that makes it easy to compare sites over time.

**Army Corp of Engineers (ACOE)/ DEP waterways:** Chris Kennedy of the Trustees of Reservations said that he was aware that the Army Corp of Engineers tested the water quality this summer in connection with the bomb removal project. According to Chris, the ACOE determined that the algae was toxic and ceased their diving operations for the remainder of the summer. Chris did not know what the alga was. He suggested the board contact Mike Pekno at the Concord office of the ACOE. Chris said the testing was to protect the divers.

Chris also said that last year the ACOE did a survey of the bottom of the area they are planning to clear of bombs and found a one and a half acre of eelgrass. This year they could not find any eelgrass.

Isaiah noted that when he talked to the ACOE they told him they were going to another site for the summer. If there was a toxic substance found, no one in town was notified. Chris said DEP was also involved.

**The Trustees:** Chris Kennedy said the Trustee is required under state public health laws to take samples at Long Point every year because they operate a public swimming beach.

### **Issues Discussed:**

**Response/ identification of algae bloom/June 2017:** Isaiah said it was apparent that there was some confusion over the location of the macro algae and that it is the shellfish department's responsibility to test. This past summer both shellfish departments had boats that were out of commission.

Christian said that apparently there was both micro and macro algae present in the pond in June. The red algae were micro algae that are very

ephemeral and hard to preserve. She explained methods of preserving these types of samples.

Ginny said the algae bloom first appeared in October 2016.

Everyone agreed that there needs to be a better system for notification of issues and testing.

Emily Reddington of the Edgartown Great Pond Foundation explained that she and Sheri have been working on a plan of action for Edgartown Great Pond that includes procedures to be followed. She offered to work with Sheri to develop the same type of plan for Tisbury Great Pond. The plan of action would identify who should be notified.

Someone suggested that a flow chart be created that would tell people who to contact depending on whether the algae is a micro or macro algae.

Julie Russell suggested asking the Land Bank if a notice could be posted at the landing at Sepiessa informing people where they should call when they see a potential problem while out on the pond.

Prudy asked Bill Wilcox about what his system used to be when he was the water quality planner. Bill said he sent biological samples in an iodine solution to Dr. Jeff Turner's lab at UMASS. There was a graduate student named Jean Lincoln at the lab who identified the samples.

Christian responded to this question by stating that she is from Jeff Turner's lab and that it must have been a long time ago because Jean Lincoln is no longer there. Christian is the classification biologist in this lab.

Currently Sheri either takes samples from the Runner dock or has to rely on arranging a day and time with Kent Healy to go out in his boat.

Prudy questioned the need to spend time and money sampling outside the summer months. Sheri said she samples outside the summer months in order to have a base line for nitrogen that is outside the peak months.

Emily Reddington said that testing the nitrogen sampling in the shoulder and winter seasons when things die back in the pond makes sense.

Maria suggested that there has to be a better way to get Sheri out in the pond than to rely on Kent. Ginny responded that the WT Shellfish Committee does have a boat but it was out of commission this summer, and it planning to hire an assistant shellfish constable so that West Tisbury is better able to do what Isiah does for the Chilmark side of the pond. Isiah said Chilmark's boat was also out of commission this summer. Isiah confirmed that it is the primary responsibility of the shellfish constables to do this testing.

**Study of Agricultural Use impacts:** Bill Wilcox described his project to study farms in the watershed in order to prepare a farm nitrogen budget and come up with a more accurate load for DEP to use. The study may be done by the end of the year.

**Collection and Handling of Samples:** There was a lengthy discussion among the Shellfish Group and DMF staff regarding frequency and preservation of samples.

Everyone agreed that having collections bottles containing Lugol's iodine solution at the ready is a good idea. This solution is used in the marine aquarium industry.

Rick Karney, retired Vineyard Shellfish Group Director said he used to outfit the shellfish constables with collection containers with this preservation solution already in them when they thought that cochlidium would be present. Christian said samples of cochlidium cannot be put on ice.

Emily said everyone should know what the lab's requirements are for handling water samples. She liked the idea of having sampling bottles ready.

Christian said she doesn't have experience with fresh water algae. She does salt water. Christian said she could be a point of contact for micro algae questions/ identification if it was a public health issue. If it is a micro alga, she could see if she could forward to another expert.

Christian said there is not the funding to do testing for all the types of toxins that could be found in the water. Testing is different for micro and macro algae.

Isisah reiterated that the shellfish constables are responsible for taking samples when there are specific problems.

**Pond openings:** Kent Healy, pond commissioner spoke about letters that have been received from the Army Corp of Engineers and DEP informing the Riparian Owners and the Town that a permit is required to open the pond. To date the Riparian Owners have not applied for a permit and the Town has not pursued the issue. Kent said he has been relying on a letter from Brad Chase of the Division of Marine Fisheries saying that the pond must be opened on a regular basis in consultation with the Herring Warden. Christian responded to Kent's comment by saying that Brad asked her to remind everyone that when the issue of permits for openings came up Brad advocated for the opening of the pond, but that does not preclude the need for a permit from the Conservation Commission and/or the Army Corp. She added that Brad also wanted her to remind everyone that the Town should be mindful of the optimum dates in the spring for opening the pond for sea run fish passage.

**MEP/ TMDL Draft Report:** John asked who will be the responsible party to respond to DEP on the TMDL report and who will be required to deal with the results of the report. The town will be required to take

whatever measures necessary to reduce the nitrogen load below the threshold.

Bill Wilcox said that if DEP is putting pressure on the Town, it would be useful to point out to them all the testing that is going on and that Kent is trying to get a reliable August opening.

Maria will call Patti Kellogg at DEP to find out what the time table is and if they are willing to wait until Bill Wilcox's study is done. Sheri said she already mentioned the Dukes Conservation District report to Patti Kellogg. She said DEP will hold another comment period after the presentation of the report.

**Training:** Emma Green-Beach said she was particularly interested in training for taking samples. Christian replied her ability to do training and coming to take additional samples is limited by logistics and DMF funding.

Christian added that having a microscope with a camera would be an easy way to circulate samples when trying to identify them and that that the Woods Hole Sea Grant has a micro algae identification key that might be helpful. Emma said that David Grunden, the Oak Bluff's Shellfish Constable has such a microscope and has offered to look at samples.

**Record Keeping:** Prudy said traditionally the MVC reports done by Bill Wilcox came to the Conservation Commission. This year we got the data but a narrative would be useful.

Prudy suggested that the Conservation Commission be the clearing house with a distribution list should be created for sharing information.

Prudy said when people are reviewing the data they should be aware that threshold for nitrogen load is 0.43(mg/L) for the main body of the pond and 0.48 (mg/L) for the coves.

## Next Steps:

- Prudy said she would like to see the Board of Health regulations be consistent with the Wetland Protection Bylaw on coastal pond regulations with respect to septic system leach fields. Tara is planning to meet with the Board of Health soon.
- Peter suggested that there be a group of experts that could interpret the data that is being collected.
- Kent said the Board of Selectmen is willing to help
- Emily will circulate the bones of an action plan for Edgartown Great Pond once it is developed. This could be used as a template for Tisbury Great Pond.
- Sheri will circulate her data from 2011, 2013, 2014, and 2015 with a short summary narrative.
- Maria will email the Army Corp to get copies of any reports they have on the toxic algae Chris Kennedy described as well as a copy of the report on the presence of eelgrass.
- Maria will find out when DEP plans to come to the Vineyard to hold the public hearing on the TMDL report.

A meeting was tentatively scheduled for November 28. No action was taken.

## Administrative

**Culvert grant application/ Witch Brook / North Road:** The board received a letter from the Division of Ecological Restoration informing them that the Witch Brook culvert was not selected along with a press release from the Division of Ecological Restoration listed 13 projects that were chosen. Maria will speak to Tim Chorey to get details.

**Board of Health meeting:** Discussion of regulations to propose to the Board of Health was tabled to the next meeting.

**Lambert's Cove Road/ Bridge/ Stormwater runoff:** Members viewed photos taken on September 15 showing significant accumulation of sand and runoff toward Black Water Brook. Maria will set up a site visit with Richie Olsen, Superintendent of Streets to view the runoff situation on the north side of Lambert's Cove Road just before the bridge.

### **Correspondence**

**In** Letter from Division of Ecological Restoration dated September 18, 2017 informing the Highway Department that the Town did not receive a grant to work on a plan to replace the Witch Brook culvert at North Road.

Press release regarding awards for culvert restoration projects made the Division of Ecological Restoration

There being no new business to conduct, the meeting adjourned at 7: 00 PM.

Respectfully submitted,

Maria McFarland  
Board Administrator