WEST TISBURY

CONSERVATION COMMISSION

MINUTES OF MEETING

May 10, 2022

The meeting was held via Zoom in accordance with the Governor’s order suspending certain provisions of the Open Meeting Law, G.L. c.30A sec.20. Public participation will be via remote participation (Zoom) pursuant to M. G. L. Chapter 20 of the Acts of 2021.

**Present:** Fred Barron, Geraldine Brooks, Whit Griswold, Angela Luckey, Donna Paulnock, Peter Rodegast, and Michael Turnell

**Staff Present**: Maria McFarland

**Also present for all or part of the meeting**:  Chris Alley, Linda Alley, Brian Athearn, Sandy Bernant, Naji Boustany, Douglas Brush, Jan Burhman, Michael Christy, Nicole Corbo, Crawford Del Prete, Kathleen Crowley, Sadie Dix, Brian Dowd, Heidi Feldman, Sarah Flanders, Emily Fischer, Lydia Fischer, Suzanne Fenn, Louisa Hufstader, Michael Jacobs Andrian Johnson, Rebecca Haag, Gretta Hehre, Lauren Lynch, Chris Lyons, Nina Mae, Dan Martino, Rob McCarron, Victoria Phillips, Olivia Rabbitt, John Rockwell, Doug Ruskin, Joe Santangelo, Reid Silva, Julie Scott, Jessica Stone, William Sullivan, Deborah Ware, Mallory Watts, Kristina West, and Garrison Vieira

Whit Griswold called the meeting to order at 5:06 PM. Whit informed those in attendance for the Farmers Market matter that the board is not holding a public hearing on moving the Farmers Market to the Ag Hall property on a permenant basis. The only action being taken by the board will be to review and approve two draft letters, one to the Ag Society which largely agrees to the Farmers Market moving to the Ag all and one to the ZBA to remind that board of the Agricultural Preservation Restriction on this property held jointly by Vineyard Conservation Society and the Town. Whit acknowledged receipt of several letters that the board members have read. He recommended that people go to the town website where they can find the draft letters and comment letters posted with the agenda for this meeting. The letters may answer any questions they have. The matter will be taken up under old business after the conclusion of the public hearings.

**Minutes**: Approval of the minutes for the meetings of March 8, 22 and April 19 were tabled to the next meeting.

**Bylaw Regulations/ Review**: The Commission met John Rockwell to discuss his suggested revisions to the draft of the revised buffer zone regulations. This is a working meeting to review his edits and not a public hearing on the proposed changes. John took the members through his changes and the rationale behind them. He did not review the new view channel regulations because he was over budget on the buffer zone changes. The board thanked Mr. Rockwell for his work and will get back to him regarding a review of the view channel changes. No action was taken.

**Map 1 Lot 38/SE 79**-439: 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 Schofield, Barbini & Hoehn, Inc., on behalf of Joseph C. Santangelo, Trustee of the 55 Naushon Road Realty Trust for a project to install a set of timber stairs on a coastal bank, create two view channels and maintain an existing path through the Buffer Zone. The project location is **55 Naushon Road.**

Chris Alley and the Santangelos were present. Members viewed the project plan and site visit photos. The Santangelo’s are finishing up construction on a new home located outside the Buffer Zone.

Chris explained the key elements of the proposal.

Footpaths: Both on the north side of the house; one terminates at the top of the bank which will be abandoned, and a second path that is overgrown. This path will be pruned and maintained to provide access to the stairs. An existing path that straddles the east property line cannot be used without consent from the abutter.

Stairs: The applicant described his efforts to secure an agreement from the current owner of the lots to the east that would provide for removing the existing stairs that are in disrepair and sharing in the new stairs. The existing stairs provide access to the beach for the owner of owner Map 1 Lot 39.1. They have also suggesting sharing the existing path that straddles the east property line. To date, the Santangelos do not have a firm commitment from the neighbor. They would like to the board to approve the project as presented. If they secure such an agreement, they will come back to the board.

The board discussed approving the view channels tonight and holding off on the approving the stairs but determined that more information was needed regarding the change from a set of wooden stairs to a set of Sebago Dock stairs.

View channels: The view channel to the east includes a section that was previously done by others. Chris went over the trees to be limbed, pruned or removed in each view channel.

There is an area between the view channels looking directly north over Vineyard Sound that will not be touched.

Commissioner’s Comments/Questions:

Peter pointed out that the project plan indicates the stairs on the abutting property will be removed. The board cannot require the abutter to remove the stairs so the note on the plan should be revised. Peter suggested that the hearing be continued for couple of weeks so that the plan can be amended to take away the note on the demolition; add a note stating that the path to the top of the bank will be left to revegetate, and that the view channels are limited to tree work and does not include any alteration to the ground cover.

Absent a cross section and a layout of the Sebago Dock stairs more time is needed to allow the applicant to submit this information. A continuance will also allow for a second site visit as only Maria and Donna attended the first one. A second site visit will be held on May 18.

A motion was made by Peter seconded by Angela to continue the public hearing on this matter to May 24, 2022 at 5:10 PM. Roll Call Vote: Angela -aye, Donna – aye, Fred – aye, Geraldine – aye, Michael – aye, Peter - aye and Whit – aye.

**Map 15 Lot 7/ SE79- 438**: 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., on behalf of Crawford B. and Jessica Del Prete for a project to remove a portion of an existing single-family dwelling and driveway and to construct and maintain a new addition, deck in-ground swimming pool, spa, driveway, install an underground propane tank and perform associated site work and landscaping within the Riverfront Area. The project location is **217 Indian Hill Road.**

Reid Silva presented the project described above. The project plan, site visit photos and alternatives anaylsis were reviewed.

Reid clarified a question raised at the site visit about the flagged edge of the wetland. The driveway on the abutting parcel closest to the stream was saturated in places and showed some wetland indicator vegetation. Reid explained that the delineation was done in January by Doug Coopering using both vegetation and soils.

The analysis details the site constraints and shows that this lot was in existence long before the Riverfront Regulations went into effect in 1997. Assessors records indicate that the house was built in 1890. The proposed alterations will be less than 10% of the total Riverfront Area in accordance with the state performance standards and that there are no practicable alternatives that will have less impact.

No structures are proposed within the first 100 ft of the Riverfront Area or the Buffer Zone. The reconfiguration of the driveway and parking area is within these zones.

Chuck Sullivan, Architect for the applicant said the addition will accommodate a car and that the location of the pool was dictated by zoning regulations and has been approved by the ZBA. The pool will drain into a drywell shown on the plan.

Commissioners Comments/Questions

Mike asked about a foundation about under the screened in porch. Chuck said there will be a crawl space.

Members asked that the pool fencing be brought in closer to the patio. Geraldine said she wanted to see less hardscape around the pool. Chuck said it is 2x2 blue stone.

Peter observed that the site is mostly manicured lawn. He would like to see a restriction on the use of fertilizers. The Order will have the usual condition regarding fertilizers and the need to comply with the Board of Health Fertilizer regulations. Mr. Del Prete agreed to ask his landscaper to stop fertilizing the lawn.

Geraldine asked about the location of the propane tank. Reid explained that the tank has to be relocated because once the pool goes in, the current location will not be accessible.

Chuck said that Kristen Reimann, Landscape Architect is working on a landscaping plan and that he will talk with her about pulling in the pool fence and reducing the hardscape around the pool.

He did not see that the ZBA would have an issue with relocating the fence as it would be de minimis change.

Angela and Whit said they would like to see a revised plan regarding the size of the patio before approving it. Chuck asked the board to approve the project tonight subject to the submittal of a landscaping plan showing the pool fencing pulled in and the size of the patio reduced.

Peter said he was fine with approving the project tonight subject to the applicant submitting a landscaping plan showing a smaller patio area fenced in area. Mike agreed.

There being no public comment, the public hearing was closed. A motion was made by Peter, seconded by Fred to approve this project with the condition that a landscaping plan be submitted showing a reduced patio size and fenced in area prior to the issuance of a building permit. Roll Call Vote: Angela -aye, Donna – aye, Fred – aye, Geraldine – aye, Michael – aye, and Whit – aye.

**Old Business:**

**Map 25 Lot 1.1/ Ag Hall/ Farmers Market**: Whit reiterated that this was not a public hearing approving the use of the Ag Society property as the permenant home of the Farmers Market. The matter before the board was the review of a proposed letter to the Ag Society regarding use of the property for the Farmers Market on a permenant basis and a second letter to the Zoning Board of Appeals regarding the APR as it may relate to a special permit to allow the Farmers Market on APR land.

The board acknowledged receiving letters listed under correspondence.

Whit explained that the board will talk about co-signing a joint letter with VCS to the Ag Society Executive Director, Trustees and their attorney.

Whit asked if anyone has any major objections to the letter to the Ag Society. Geraldine objected to the recommendation to charge a fee for parking. Whit explained that this is one of possible mitigations measures. Lauren Lynch, Executive Director of the Ag Society clarified that the VCS put in two suggestions, one of which was to put a donation jar at the entrance; not a flat fee for parking. Someone from the Farmers Market commented that they were not aware of this suggestion. The wording of the letter will be tweaked to clarify the purpose of the donation.

A motion was made and seconded to co-sign the letter described above as revised. Roll Call Vote: Angela -aye, Donna – aye, Fred – aye, Geraldine – aye, Peter – aye, and Whit – aye

The second letter to the ZBA was also reviewed. There was no discussion on this letter. A motion was made and seconded to co-sign the letter described above as revised. Roll Call Vote: Angela -aye, Donna – aye, Fred – aye, Geraldine – aye, Peter – aye, and Whit – aye.

**Runamuck Farm, Blackwater Brook Farm and Leonard-Peck Farm: Site Visit with Gary Makuch of DEP will be held May 12.** Members and staff will meet with Deb Farber of Black Water Brook Farm and a representative of the estate of Elizabeth Cottle. An email was received on May 6, 2022 from Kathryn Leonard -Peck declining permission for access to her property. An abutter agreed to allow us to view the property from his. Maria is working with Brian Athearn of Runamuck Farm to coordinate a meeting time. Brian was in attendance for the Farmers Market matter he was asked if the board could meet him for this site visit. Brian told the board that he did his own testing of water in Blackwater Brook and got the same results the board did when Whit did some sampling. He said he found a pile of brush that had backed up a culvert that he removed. Waiting for some rainfall and will do another round of testing. He said he used an excavator to get the brush cleared. Brian said he was willing to meet on May 12 as long as he was there to handle his ram and dogs. Maria and Brian will coordinate. We agreed to stop at his place first.

**Correspondence:** Farmers Market/ Comment Letters: Angela Anderson May 10, James Athearn May 9, Prudy Burt 5/10, Island Grown Imitative May 9, James Athearn, May 9, Doug Ruskin and Ginger Norton, May 10, Lynne Whiting May 10,

There being no new business to discuss, the meeting was adjourned at 7:30 PM.

Respectfully Submitted,

Maria McFarland

Board Administrator