WEST TISBURY

CONSERVATION COMMISSION

MINUTES OF MEETING

May 11, 2021

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

**Staff Present**: Maria McFarland

**Present for all or part of the meeting**: John Previant and Barbara Smith

Whit Griswold called the meeting to order at 5:03 P.M. 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.

**Minutes:** The minutes of the April 27, 2021 meeting were approved as revised. Roll Call Vote: Donna, Geraldine, Michael, Peter, and Whit voted in favor. John abstained.

**Public Meeting:**

**Map 7 Lot 170/13 Scotty’s Lane:** a public meeting under the requirements of G.L. Ch.131 § 40, as amended, and West Tisbury Wetlands Protection Bylaw and regulations, to consider a **Request for Determination of Applicability** filed by Barbara Sunderland Smith, Trustee for the Barbara Sunderland Smith Revocable Inter Vios Trust for a project to install wooden steps over existing stone steps and install a handrail and to place up to 5 8’wide timbers in the buffer zone and resource area.

Barbara presented the revised plan for the boat landing area. The dimensions of the area are shown on a photograph of the site submitted as an amendment to the application. The path to the boat landing will be reconfigured using seven (7) 30” untreated Cedar 2x4’s supported by paving stones. Weed block fabric will be put in place and 16 Bearberry *(Arctostaphylos uva-ursi*) 6” plants placed 5” apart will be planted on both sides of the path.

John described his plan for construction of the stairs in detail. The dimensions of the stairs are shown on a sketch plan he submitted with the revised application. The railings and stringers will be constructed from untreated Cedar and the stair treads made of Trex. The stairs will be removed and stored away from the bank during the winter.

**Commissioner’s Comments/Questions:**

Michael suggested that they put a board along the 15’ line shown in the photograph temporarily to aid with erosion. No additional soils should be brought in and the plants should be monitored for one growing season.

A motion was made by Peter, seconded by Geraldine to issue a Negative Determination of Applicability that the swimming stairs are within an Area Subject to Protection under the Act and the Bylaw (Inland Bank), but will not remove, fill dredge or alter that area. The work to create a better access to the boat landing is within the Buffer Zone and will not alter an Area Subject to Protection under the Act or the Bylaw. Therefore, a Notice of Intent is not required subject to the following conditions:

* No pressure treated wood will be used.
* A 15’ length of board will be placed appropriately to serve as an erosion control measure.
* Only existing soils will be used and no fertilizer is permitted.
* A follow up site visit will be conducted after one growing season.
* Swimming stairs will be removed for the winter.

Roll Call Vote: Donna-aye, Geraldine-aye, Michael -aye, Peter -aye and Whit-aye. John abstained.

**New Business:**

**Tisbury Great Pond/ Opening for Herring Run:** Maria reported on emails the office received from Mass Audubon and the Natural Heritage and Endangered Species Program (NHESP) regarding a pond opening ordered by the Johnny Hoy, the West Tisbury Herring Warden that happened on May 8. A Mass Audubon shore bird monitor discovered a nesting plover so approval for the opening was quickly obtained from NHESP to allow the opening to take place. No action was taken.

**Map 3 Lot 91/ Lamberts Cove Beach Path**: The large posts in the path and all the fencing has been removed. Park & Rec has an article on the May 18 town meeting warrant for a project to put in a marine grade rope and post railing along the path and the toe of the bank. Maria has provided the Park and Rec Board Administrator with detailed information and the paperwork to file a Notice of Intent to alter the coastal dune by use of heavy equipment.

**Old Business:**

**Map 7 Lot 69/52 Longview Road:** Donna asked if it was ok that there is an RV located on this property and that clearing work has begun. Maria explained that parking an RV on a lot while the lot is under construction would require approval from the Board of Health and the Building Inspector. If work has begun on the construction of the driveway, there should have been a pre-construction site visit per the recently issued Order of Conditions. Maria will check with both departments and with Vineyard Land Surveying, the project applicant’s representative.

**Map 7 Lot 28 /Cottles/Blackwater Brook Farm**: Based on a conversation Whit had with Amy Cottle Look, Maria forwarded a copy of the February 17 letter sent to Alan Cottle to Betty Cottle, the record owner of Map 7 Lot 28 to her. No action was taken in anticipation of hearing back from Ms. Look.

**Map 7 Lot 28.2/ Johnson/driveway:** Whit recapped the reason the board is discussing this property. In response to a complaint by Alan Cottle, the abutter, that a driveway was constructed in a wetland, a letter dated April 27 was sent to the Johnsons asking that they have the area where the rap was put down to access their well be delineated by a person qualified to do wetland delineations.

Members discussed the undated response letter from Glenn Johnson which is noted for the record. In the letter he states that in 1983 the Commission conducted a site visit and determined there were no wetlands. Maria reviewed the minutes and files from the 1980’s and found no specific reference to a site visit at the Johnson parcel. There were site visits to the Cottle property regarding a water wheel and an addition to Mr. & Mrs. Cottles house.

Members informally discussed how this area could have come to have wetland characteristics if at the time the well was installed there were no wetlands found. Maria will ask Mr. Johnson if the board can meet with him on site next week.

**Map 7 Lot 28.1/Alan Cottle;** Maria reported that she found an old file under Map 7 Lot 29. For assessing purposes, lot 29 was merged into lot 28.1 The file contained a 1990 Order of Conditions (SE79-61) approving the removal of trees and landscaping for a pasture. The Order is still outstanding of record and it is unclear if the approved work was ever done. Whit said this portion of Alan Cottle’s property is not the area where the cows are being pastured where the wetlands have been degraded.

**Map 3 Lot 72/ Cottle’s Lumberyard:** The board has not received a response to the letter dated April 27 sent in response to the letter from Janet Johnson dated March 15. Maria will follow up with Edmund Cottle via e-mail.

A**dministrative:**

**Members**: Appointment of Vice Chair: John agreed to be Vice Chair.

**Resignation:** With sad regrets, the board accepted the resignation of Binnie Ravitch who served the town as a Commission member since 2007 and the Commission’s appointee to the West Tisbury Land Bank Advisory Board from 2014 until her election as a Land Bank Commissioner in 2017. Binnie’s wit and good humor will be missed.

A motion was made by Peter seconded by Geraldine to recommend the appointment of Angela Luckey as a full member to succeed Binnie Ravitch for a 3-year term. Donna-aye, Geraldine-aye, John -aye, Michael -aye, Peter -aye and Whit-aye. Maria will inform the Board of Selectmen.

**Annual Town Meeting/ Warrant Article on Parrot Feather:** Whit will answer any questions that come up on town meeting floor regarding this article.

**Correspondence:**

**In**: Email from Binnie dated April 29,2021 re: Resignation

Letter from Glenn Johnson

Email from MA Audubon re: Tisbury Great Pond opening dated May 8, 2021

**Out**: Approval of Vacation Carryover dated May 10, 2021

There being no further business to conduct, the meeting adjourned at 6:10 PM.

Respectfully submitted,

Maria McFarland

Board Administrator