

WEST TISBURY  
CONSERVATION COMMISSION  
MINUTES OF MEETING  
September 8, 2020

**Present:** John Brannen, Geraldine Brooks, Whit Griswold, Donna Paulnock, Binnie Ravitch, Peter Rodegast, and Tara Whiting-Wells

**Absent:** Michael Turnell

**Staff Present:** Maria McFarland

**Present for all or part of the meeting:** Chris Alley, Bob Avakian, Derek Avakian, Hadley Boyd, Sean Dougherty, Greg Erherm, Kris Horiuchi, Robert Huebscher, George Sourati, John Parchini, and Seth Wilkinson

Whit Griswold called the meeting to order at 5:05P.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 August 11 meeting were approved with revisions. Roll Call Vote: Binnie, Geraldine, John, Peter, Tara, and Whit voted in favor.

**Continued Public Hearing:**

**Map 39 Lots 9,10 &11/SE79-415:** 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 Sourati Engineering Group, LLC on behalf of Endofthedirtroad, LLC and Almostendofthedirtroad, LLC for approval of revised monitoring and maintenance provisions for a fiber roll and gabion basket array originally permitted under Order of Conditions DEP File # SE79-344, and for approval of nourishment and maintenance of a temporary access road located at 234, 225, and 226 Middle Point Road.

Members reviewed and accepted the revised language on the project plan dealing with nourishment of the coastal bank that sits between the arrays at the point of access to the beach. The amount of material has been reduced from 25 to 20 cubic yards of sand that will be used for a sand ramp over the coastal bank. Sand mats will also be used to protect the top of the bank.

Members also reviewed the special conditions. The primary change to the monitoring protocol is that there will no longer be specific site conditions that will trigger beach nourishment. Going forward, nourishment will be once a year in March unless there is a storm that causes significant damage to the array.

A new condition provides a mechanism for the property owner to restore the elevation [profile] of the beach if a major storm event lowers the level of the beach below the array. A major storm event is defined as a named storm or unnamed storms with winds over 50 mph.

The caretaker will no longer perform regular monitoring; only in the event of a named storm or unnamed storm with winds over 50 mph.

Special conditions that were established under the original Order of Conditions (SE79-344) that will be carried forward include the following.

- Maintenance of a \$25, 000 escrow account in the event the project is damaged or destroyed and the current or subsequent owner refused to repair or remove the materials.
- The time of year restrictions are the same. No work may be done on the array between April 1 and September 30 without prior written approval of the Natural Heritage and Endangered Species Program.

Seth asked for clarification on the requirement to get a third party analysis. Is it every time or only when the source of the sand is changed. Maria said she has not asked for this information every time but would definitely want a sand analysis done whenever the source of the material was changed. {No decision was made.}

Commissioner's Comments/ Questions:

Tara asked what happens if the array is destroyed. Seth answered that the applicant is allowed to replace it in the same footprint as the original array. If the applicant failed to do so, the Town could use the funds in the escrow account to repair or remove the debris. The original order did not address damage to the beach elevations, but the array remains stable. The new condition will address this potential.

There being no public comment, the public hearing was closed. A motion was made and seconded to approve the project presented in the Notice of Intent and the draft special conditions. Roll Call Vote: Binnie – aye, Whit – aye, Geraldine – aye, and John aye. Michael, Peter, and Tara were not eligible to vote.

### **New Public Hearing:**

**Map 36 Lot 18/SE79-416:** 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 Schofield, Barbini & Hoehn, Inc., on behalf of Duncley, LLC for approval to demolish and replace a seasonal camp with year-round single family dwelling, restore a parking area, upgrade the septic system, remove selective trees, and perform associated site work in the Buffer Zone to a coastal salt pond at 70 Taffy's Field Road.

Chris Alley introduced the project, which is located on the east side of Deep Bottom Cove on Tisbury Great Pond. The existing and proposed house will sit 50 feet from the edge of the pond and 25 feet from the edge of 100-year flood plain.

The existing 4-bedroom camp will be demolished, and a new four bedroom home will be constructed over the original footprint of the existing house with the addition of a new structure set more than 100 feet from the edge of the pond. The public living spaces will overlap the footprint of the original house with the bedrooms located in the new structure that builds inland out of the Buffer Zone.

A new septic system will be installed on the north side of the house. The leach field will sit approximately 258 feet from the edge of the pond and will be a MicoFAST denitrification system. This is not a required by the Board of Health or this board because the leach field will be more than 100 feet from the pond.

Currently, access to this property is over a gravel driveway located to the northwest on the adjacent property owned by Jenkinson and Philips. Currently, cars park on the grass in the Outer Buffer Zone. After construction is completed, the owners will use a new driveway and parking directly off Taffy's Field Road. To accommodate the grade change a set of stairs will connect the parking area to the house. The owners intend to maintain the grass parking area for large deliveries to the house.

Kris Horiuchi, the landscape architect reviewed her proposed plan.

Approximately 12 pine trees are proposed to be removed within the first 50 feet of the Buffer Zone. Kris explained that she consulted with Bob Hagerty of Hagerty Tree Services, who determined that these trees would be a potential hazard to the new house because of their age and condition. If one tree falls, it could create a domino effect and take out some oak trees that are interspersed among these pines. The trees to be removed are shown as dashed circles represent pine trees to be removed, and green-circled trees represent pine and oak trees that will remain. No other landscaping is proposed in the first 50 feet of the Buffer Zone.

Within the second 50 feet of the Buffer Zone, the landscape plans shows a large area of lawn to be converted to a hardscape stone patio, permanently fixed grill and fire pit within a sort of courtyard by the L shape of the house. Kris was asked to determine the square footage of the area. [NOTE TO MEMBERS; conversion of lawn to accessory uses such as this are exempt under 310 CMR 10.02 (2) (b) 2e provided they are more than 50 feet from the edge of the RA and erosion control measures are used. This type of conversion is not exempt under the bylaw. ]

Any areas disturbed during construction will be will be stabilized by seeding with a fescue mix that will be temporarily irrigated. They want the landscape to be low impact.

A split rail fence to be placed along the north and south property lines will not extend into the No-Disturbance Zone and will not be a barrier to wildlife movement.

The existing steel well point will be replaced with a submersible well. A shed on south side of the lot that contains well equipment will no longer be needed.

The property also has a Chapter 91 licensed fixed piling pier.

Greg Erhman, the applicant's architect explained the vision for this project. They have kept the shape, profile, and footprint of the existing building that sits quietly in the landscape. The new building will do the same using materials and finishes that are naturally weathering that will recede into the landscape in the summer and winter months.

Public Comment:

Hadley Boyd told the board her father purchased this property from Tom Waldron in 1972. Her ancestral connections to the Vineyard date back to Thomas Mayhew. She mentioned that Joanie Jenkinson, daughter of Tom Waldron, supports this project.

Bob Huebscher, an abutter was present and asked that an email from he and his wife Sally dated August 26, in support of this project be read into the record.

Chris Alley offered that he had a conversation with abutter David Philips and provided him with the project plan.

Commissioner's Comments/Questions:

John, who was unable to attend the site visit, said he was concerned about removal of trees in the Buffer Zone and asked for the impressions of other Commissioners about the necessity to remove these trees.

Geraldine replied that the trees on their own are fine, but once one tree is removed; wind shear is created with the potential for storm damage.

Geraldine asked the applicant and architect if there was any consideration given to moving the new structure out of the Buffer Zone seeing as they plan to demolish the house.

Greg Erhman replied that they looked at several options at the end of their study they concluded that there would be fewer disturbances to the site overall by rebuilding on the same footprint. Moving the house back would require a grade change increasing the elevation of the house and making it more visible from across the pond. This design is more appropriate and has less impact.

Kris replied that all the trees to be removed are either leaning, at the end of their normal life span, or have a considerable turpentine beetle infestation. The concern is that these trees are a fall risk to the new house and the infestation could spread to other trees.

Tara asked with there was a definitive answer to whether the house could be moved back. She is not in favor of removing all these trees if they are not in danger of falling on a new house. She agreed with John and Geraldine about the number of trees to be taken down.

Whit said it looked to him like most of these trees are tall enough that they would reach the northwest corner of the house if they fell.

Chris Alley said the furthest tree from the porch at the northwest corner is about 60 feet from the corner of the porch. They have not determined the height of the trees.

Maria suggested that if the board allowed the removal of these trees, they could ask the applicant to plant new trees as mitigation. Under the regulations, the board could also ask that the owners

stop mowing to the edge of the pond in order to restore vegetation for wildlife habitat, prevention of storm damage and erosion control. Boundary markers could be required to establish a 25-foot no- mow zone.

Maria asked Chris to review the flood hazard potential has this property.

Chris explained that the porch is about 10 feet from the edge of the flood plan and the front of the house is set back ab out 25 feet. Using the SLOSH (sea, lake, and overland surges) overlay for different degrees of hurricane. In a category 4 hurricane, the porch would get wet and in a citatory 5 hurricane, the face of the house would get wet. The porch will be supported on sonotubes and the house will have a partial crawl space.

Chris noted that drainage at this site is not an issue because the outwash sands do not hold water. They plan an un-guttered roof with surface collection system along the dripline under the eaves. At 50 feet from the pond there is enough grade change that ground water is not an issue at this site.

Tara said this is a complete teardown in the shore zone/ Buffer Zone and asked the board would allow the house in this location if the lot were vacant. She suggested continuing the hearing to see what the BOH and ZBA will determine.

Greg responded that moving vehicles and parking out of the Buffer Zone is a major improvement to the site. The owner does not want to clear trees to the edge of Taffy's Field Road because they do not think the neighbors would be in favor of that.

Chris Alley offered that because the property grade rises up it is a balancing act with ZBA and neighbor's concerns. If they move the project back, they will lose more trees on the inland side of the property, the whole project moves up in elevation instead of being a c amp that is tucked in low. The ZBA application is for approval of the expansion of an existing structure in the shore zone and for approval of the replacement of a pre-existing non-conforming structure. There are no height or set back issues. By making the new structure parallel to the lot line, the new design resolves a sideline set back non-conformity. The first floor will be raised to meet building code.

Peter asked if the denitrification system is a requirement or an offering by the applicant. Chris said it is not required. Peter agreed that if left where they are, the pine trees could fall on the house. Trees should be flush cut. He would like to see the 25 foot No-Disturbance Zone left to grow as a buffer to the pond as a tradeoff for removal of the trees.

Peter went on to say that the porch will occupying exiting footprint even though the condition wall is further inland.

If the ZBA if has any reluctance in the allowing expansion in the shore zone to meet the addition, he would consider moving the whole structure back 10 -15 feet. It might save a couple of trees less on the waterside. He could not say how much the house would go up in elevation without

looking at the contour plan. It would be a concession to move the house back 10-15 feet in exchange for the expansion.

Binnie said even though the existing camp is in the Buffer Zone, the extension takes up more Buffer Zone before you get to the addition outside the Buffer Zone.

Chris said if they move the house back, it would be approximately 9 feet on the south side, and 13 feet on the north side for the existing house.

Geraldine asked for clarification on the landscaping plan. Kris was asked to calculate the square footage of the hardscape.

Maria asked if the diseased trees were treatable. Kris did not think they were. She offered that they could evaluate the height of the trees, but there is not a lot of biomass.

Hadley said there are some nice oaks coming in and she is concerned about the pines taking the oaks down if they fall.

Geraldine asked for the architect's thoughts on Peter and Binnie's suggestion to move the entire new section in the Buffer Zone back.

Greg Erhman said that is a decision the homeowner will have to make. If it were to be considered, they would need to understand the topography and impacts. The project has about 1400 square feet of space.

John said it seemed like the board needs to continue the hearing to give the applicant and architect time to discuss if Peter's suggestion is feasible. Kris was asked if the amount of hardscape could be revisited. With a planting plan for replacement trees and restoration of the first 25 feet, Buffer Zone added to the landscape plan.

Chris asked if the West Tisbury Wetlands Bylaw and Regulations treat the Buffer Zone as a resource area. It does which makes the local bylaw more stringent than the state regulations for the Buffer Zone. Under the state regulations, activities in the Buffer Zone are subject to pre-construction review.

Geraldine asked Chris Alley to clarify the situation with the continued use of the existing driveway. Chris explained that the driveway on the adjacent lot would remain. There will be erosion control measures and construction fencing. After construction will be restored to a grass area, but will no longer be used for everyday parking.

Peter made a motion to continue the public hearing in order to give the applicant time to consider the suggestion to move the building 10-15 feet back, remove fewer pine trees if the building is moved, prepare a plan for restoration of the first 25 feet of the Buffer Zone and reduce the amount of hardscape. Binnie seconded the motion for a continuation to September 22 at 5:10 PM.

Discussion on the motion:

Chris asked Hadley if she was ok with agreeing to the continuance. She said she was.

Tara said she would like to know what the ZBA has to say and if they do not hear it until after September 22 this hearing can be continued to October 13. Sean Dougherty said the ZBA hearing will be held on October 8.

Whit asked if the applicant feels they have enough time to address the commission's suggestions. Greg said it is his goal to get this project permitted and will be ready to meet with the board on September 22.

After the discussion, Whit called for a roll call vote: Binnie- aye, Geraldine- aye, John - aye, Peter – aye, Tara – aye, and Whit – aye.

**New Business:**

Map 25 Lot 1.1/Agricultural Society/ Extension of Outdoor Farmer's Market: A motion was made and seconded to approve a request from the Farmers Market vendors to extend the outdoor Saturday market through October (the 17th, 24th, & 31st). Hours will be 10-1. They will not hold an indoor farmer's market this year.

The Zoning Board of Appeals has extended the special permit through October and Vineyard Conservation Society has approved this request.

Roll Call Vote: Binnie, Geraldine, John, Peter, and Whit voted in favor. Tara abstained.

**Old Business:**

**Revisions to Bylaw regulations on view channels and Buffer Zone:** Revisions were circulated last week. Maria asked the Massachusetts Association of Conservation Commissions if they had someone would be willing to review the proposed bylaw and regulations changes. She was told to forward the documents and Lindsay Martucci will see if someone will review them. She asked board members to submit final revisions. Maria said she asked the T own Administrator if we could get the bylaw revisions on the special town meeting on October 6, but the BOS only want warrant articles that are essential for town business.

**Administrative:**

**Certificates of Compliance:**

A motion was made and seconded to approve Certificates of Compliance for the following Orders of Condition:

- Map 1 Lot 39.2/SE79-48/41 Naushon Road/ (1988 Order for septic system)
- Map 7 Lot 13/SE79-365/367 Lambert's Cove Road/ Medowski

Map 39 Lot 2.1 SE79- 392/147 Middle Point Road/ Shropshire

Roll call vote: Binnie, Geraldine, John, and Whit voted in favor.

**Correspondence:**

In: Map 35 Lot 1.2/ 122 Pond View Farm Road/ Notice of Chapter 91 License  
Application/DEP-Waterways  
E-mail dated August 20, 2020 from Dukes Conservation District/ Pond View Farm Road  
Email from Bob and Sally Huebscher dated August 26, 2020 regarding NOI/Map 36-18.

There being no further business to conduct, the meeting adjourned at 6:50 PM.

Respectfully submitted,

Maria McFarland  
Board Administrator