

WEST TISBURY  
CONSERVATION COMMISSION  
MINUTES OF MEETING  
March 10, 2020

**Present:** Whit Griswold, Donna Paulnock, Brian Beall, Binnie Ravitch, Peter Rodegast, and Tara Whiting-Wells

**Absent:** John Brannen, Geraldine Brooks and Michael Turnell

**Staff Present:** Maria McFarland

**Also, present for all or part of the meeting:** Reid Silva

The meeting was called to order at 5:07 P.M. Tara Whiting-Wells, Chair presiding.

Donna and Brian will vote as needed in the absence of a quorum.

**Minutes:** The minutes of the February 25 meeting were approved as written. Brian abstained.

**Continued Public Hearing:**

**Map 35 Lot 7/SE79-421:** 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 & Engineering, Inc., on behalf of Peter and Rachel Sorrentino for a project located at 71 Carl's Way. The project consists of the creation of a 3' wide brush cut path and the construction of a 54'L x 3'W elevated boardwalk through a bordering vegetated wetland and saltmarsh, and an 80'L x 3'W seasonal pier consisting of a 56' pier, an 8' ramp, and 16' float.

The DEP File Number letter comment letter dated 2/12/2020 was noted for the record. The letter noted the need to raise the height of the boardwalk over the salt marsh to 4.5'. That would increase the ratio from 1:1 H: W to 1.5:1. They also recommend that float stops be set at 30" above land containing shellfish rather than the proposed design of float stops set at 24". These comments mirror the comments in the DMF letter dated February 11, 2020.

The NHESP letter dated February 26, 2020 stated that the project would not adversely affect the actual Resource Area Habitat of state listed protected rare wildlife species.

Maria asked Ray Gale to come to this meeting to discuss the height of the docks over any shellfish beds that may be in the area.

Reid Silva presented the applicant's revised proposal.

The revised plan would require the board to waive compliance with the performance standard in the Bylaw regulations that requires 300 feet between docks to avoid a cumulative adverse impact. The new location is 179 feet from the closest dock. The brush cut path would be much shorter (Reid did not give a distance; the boardwalk would be reduced from 54 feet long to 37' x

3' wide and raised to be 4.5' above the salt marsh. The total length of the dock is reduced from 80 feet to 42' consisting of a 3'x25' ramp and 2 4x10' seasonal floats.

Reid explained that he has consulted with Ray Gale, shellfish Constable and Rick Waldron, a dock builder.

The boardwalk is shorter but the ramp is now longer in order to get the floats to deeper water.

Reid put forth two options to the pipe sleeves originally proposed.

Option one: Helical piles. There would be eight helical piles that would be left in the pond or removed at the end of each season. They screw into the bottom and have a receiving end just above the bottom. Ray explained that the helical pile come in different lengths and can be easily found every year if there is a winter stake attached. The helical piles are driven not jetted. They can also be installed by hand. Helical pilings are considered a fixed piling.

Option two: Galvanized pipes that go in and out of the pond every year. They would be driven not jetted.

Either option will require a license because of the length of the dock.

Reid said either option would cause the same amount turbidity during installation and removal. Install pipes every year directly into the mud. Ray said he does not have a preference and noted that the helical piles are expensive.

Members discussed the height the float stops should be set if the shellfish beds in the area. In this location, DMF recommended float stops at 30" rather than the 24" originally proposed. (Note that this is based on a review of the original design.)

Reid proposed setting the float stops at 18 inches in this location. (Note that 18 inches is recommended by DMF for the Wexler project and 30" inches for this project. The DEP guidance document calls for 30".)

It was suggested that the float stop height be set at 24" regardless of whether we know there are shellfish beds in the area or not. Ray will try to the town boat launched so that he can make a determination before the next meeting.

Commissioner's Comments/ Questions:

Tara said she likes the idea of the pipes coming out every year. Tara asked if the property owner considered just a boardwalk. Reid explained just a boardwalk would be too high.

After a discussion on whether to use helical pilings that would stay in the water during the winter or galvanized steel pipes that go in and out every year, it was generally agreed that the board liked the second option.

Maria noted that the wetland delineation is 17 years old, and per the DEP file number letter, needs to be updated. Tara said she was ok not requiring the delineation to be redone, but there are some areas within the No-Disturbance Zone that she would like to see grow in.

Reid asked for a continuance so that he can finish revising the plan. A motion was made and seconded to continue the public hearing to March 24 at 5:10 PM. All in favor.

### **New Public Hearing:**

**Map 35 Lot 1.2/SE79-413:** 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 & Engineering, Inc., on behalf of Lewis and Sherri Wexler for a project located at 122 Pond View Farm Road. The project consists of the relocation of a seasonal dock to a location 56 feet from the southerly lot line. The seasonal dock consists of a 3' x 4' elevated pad affixed to the bank by two steel pipes, a 3 x 16' ramp and two (2) 4' x 16' floats.

This property was sold to the Wexlers by Janice Manter. The Wexlers have built a house on the property and would like to relocate the dock to a site seaward to avoid going over an area that shoals.

The existing dock is bottom anchored with chains that move along the substrate. Reid has revised the project plan submitted with the Notice of Intent based on comments from DMF; and is presenting a plan based on those comments.

The new location for the seasonal dock is 41 feet from the property line and has the same dimensions as the existing dock. The anchors and chains have been eliminated and replaced them with removal pipes. This change will require a Chapter 91 license and will no longer be approved by the Harbormaster as a Section 10 license.

Reid told the board that there is a spit of land in the cove that creates a sandbar when the pond is open. When the pond is closed there is no issue, but at low pond, they have to get out of the boat and drag it over the sandbar.

At the site visit, it was discovered that a new path was cleared, trees were limbed and flush cut, and there is a significant amount of erosion. Maria recommended that the board not sign off on this application until the site is stabilized.

### **Commissioner's Comments/Questions:**

Maria noted that the ongoing conditions of the Manter Order of Conditions would not allow the continued use of the Styrofoam plastic incased floats. As this is a new Notice of Intent, Reid will need to submit a design for a new dock.

Tara said the applicant should submit a plan for restoration. The board could require planting trees as mitigation.

Reid asked the board not to hold up approving the project until a restoration plan is completed. It will take a year for the owner to get a Chapter 91 license and they cannot file for the license without an Order of Conditions. He argued that the violation is separate from the application.

After a discussion about whether to put a hold on the application until the owner submits a restoration plan or to allow the permitting process to proceed and issue a separate enforcement order, a motion was made and seconded to require the applicant to install silt fencing to contain the erosion and to submit a restoration plan that will include a planting plan as mitigation for unapproved limbing and tree cutting and to continue the public hearing on this application to March 24 at 5:30. All in favor.

**New Business:** There was no new business to discuss.

**Old Business:**

**Climate Change Committee:** Donna said that now the committee is focused emergency preparedness. They are interested in what is happening with Tiah's Cove Road. Donna suggested we look at everything on their list. Maria and Donna will confer on a draft of a letter. No action was taken.

**Correspondence:**

In: NHESP letter dated 2/26/2020: 71 Carl's Way  
SERO file number letter dated 2/20/2020  
Out: Map 7 Lot 28/ Determination/Septic System

There being no further business to conduct, the meeting adjourned at 6:15 P.M.

Respectfully submitted,

Maria McFarland  
Board Administrator