

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
May26, 2020

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

Absent: Brian Beall and Michael Turnell

Staff Present: Maria McFarland

Also, present for all or part of the meeting: Reid Silva: Kristina West, and Peter and Rachel Sorrentino

Whit Griswold, called the meeting to order at 5:03 P.M. This meeting was held remotely via Zoom in accordance with the Order Suspending certain provisions of the Open Meeting Law, G.L. c.30A sec.20.

Donna will vote as needed in the absence of a quorum. All votes will be taken by roll call vote.

Minutes: The minutes of the May 12 meeting were approved with revisions. Roll Call Vote: All in favor.

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 above project description is the original description as advertised and presented to the board at the first public hearing. Tonight, Reid submitted a revised plan showing a sloped ramp leading to an elevated walkway (37') set 4.5' off existing grade with a second ramp from the boardwalk sloped downward to two (2) seasonal floats totaling 42'. The combined length of the structure is 79'.

Reid said he has followed the recommendations of the Division of Marine Fisheries requirement that boardwalks be 4.5' above the marsh. The DMF comment letter reads in part that, “ while the proposed walkway height over salt marsh meeting the current Army Corp of Engineers minimum 1:1 ratio height to width requirement recent studies by MA DMF show that shading impacts can be further reduced by increasing the H:W ration to 1.5:1. Therefore a 3foot wide walkway should be elevated at least 4.5' above the salt marsh.” In essence, the two studies referenced in the DMF letter indicated that dock/boardwalk height best predicted vegetation loss, but orientation, pile spacing, and decking type also affect marsh production.

Reid did not provide material specifications. He said whatever they use will have 50% or greater light penetration and consist of non-leaching materials. Both aluminum and fiberglass grating have 75% light penetration but fiberglass grating is not very comfortable under foot.

Reid said he does not think this is a vibrant marsh and feels that placing the boardwalk 30 inches above the marsh is adequate.

For perspective and visuals of the marsh at high summer, Current photographs of the area under the Thomas boardwalk show almost no vegetation. Maria provided the plan of the boardwalk at the Thomas property showing it set 3 feet over the marsh. The decking on the Thomas boardwalk is wooden. Both the height and the lack of light penetrating materials probably account for the lack of vegetation underneath it

The boardwalk at the Hearn dock, which is the closest dock to this one, had to be elevated by 15” after it was originally installed because the boardwalk was being inundated at high pond.

The Hearn and Thomas docks were approved in 2006 and 2007 (prior to the adoption of the local bylaw regulations regarding seasonal docks.) The Thomas plan does not indicate the width of spacing between deck boards.

Commissioner’s Comments/ Questions:

Tara asked if Ray Gale reviewed this proposal. Reid said he has not. Ray Gale is primarily concerned with the location of shellfish beds in relation to the piers and float. Because of COVID-19 restrictions, a site visit from the water did not take place.

Peter recommended that the boardwalk be sloped so that the top of the fixed walkway is parallel to the grade.

There was a brief discussion about setting the boardwalk 3feet above grade so long as it could be adjusted after a year or two if there were impacts to the vegetation. Reid said the steel pipes have clamps that allow the boardwalk to be raised up or down.

Geraldine said she is in favor the boardwalk following the grade but is not in favor of second-guessing the science of the salt marsh study.

Tara said she agrees with Geraldine. She said she did not feel qualified to review the height of the boardwalk in a couple of years.

Binnie said she liked the idea of having the boardwalk follow the grade.

Whit asked Reid about narrowing the width of the structure. Reid responded that it would be dangerous.

Tara asked if the height of the float off the bottom had been determined. The current plan does not show the height. The plan will be revised to show that the float stops will be set 30" off the bottom.

Public Comment:

Mrs. Sorrentino said she has not seen the DMF studies. Maria will forward the comment letters from DEP, DMF and the studies for her review.

Mr. Sorrentino asked if the green ribbon on the board shown in the pictures represents and it was above his head is that the height of the dock. Reid explained that that the green ribbon represents the top of the walkway at elevation 10.5' if the boardwalk was level to end-to-end. If the boardwalk is sloped, it will follow the grade. Mr. Sorrentino said they would not be able to see the boardwalk from the house so they are not concerned about what it looks like. They are more concerned about the ability to get into a boat safely.

Geraldine asked Mr. Sorrentino how they get into their boat now. He explained that the boat is tied to a cinder block in the water and he wades out to the boat. They cannot step from the shore into the board unless it is high pond.

John said sloping the boardwalk but keeping the height of it as recommended makes sense to him. Donna agreed with John.

Reid will submit a revised plan that will show the approved change to the boardwalk and that the float stops be set at 30" above the substrate.

The public hearing was closed.

Peter motioned to approve the project with the boardwalk set a minimum of 4.5 feet above the marsh by means of a sloped boardwalk that will follow the grade.

Roll call vote: Donna- aye, Peter- aye, Tara- aye and Whit – aye.

After the vote, the project plan was shown to the Sorrentino's again so they could see the area that they will be required to allow to grow back because of past mowing into a resource area.

Peter said that as the board approves these docks it is worth pointing out that there is a "gentleman's agreement" for a 10-horse power limit on Tisbury Great Pond..

New Business:

Map 6 Lot 2.1/ Sutula review of boatshed project. Maria went over the analysis she did with DEP and Doug Cooper to determine whether the Riverfront Area regulations apply to the construction of a boatshed. According to Doug Cooper, what appears to be a perennial stream running through the property does not exist on the ground. The drainage swale that runs between the two wetlands on this and the adjacent property is most likely intermittent but Doug but the monitoring was insufficient to make a definitive determination. Regardless, the current plan shows the boathouse set more than 200 feet from the edge of the swale and not subject to the Riverfront Area Regulations. No action was needed.

Map 25 Lot 1.1/Martha's Vineyard Agricultural Society: Kristina West, Executive Director of the Agricultural Society was present to answer questions regarding plans for the High School graduation and the Farmer's Market to be held at the Ag Hall property.

Farmers Market: Tara said she is against the front field being used for the Farmers Market. She said it is a community event and it is agricultural but there will be impacts to the field.

High School Graduation: The proposal for the use of the Ag Hall property for graduation is still in flux. It will be a drive through event on July 26. Whit asked if this was a backup to using the Tabernacle. Maria replied that according to the most recent articles in the local newspapers it is “Plan A”.

John made a motion to approve.

Tara said she feels like the Ag Society is putting the board in the position of being the bad guy. Even though this is a community event and this is a special circumstance, she does not think that the Ag Hall should be the “Plan A” location. She questioned whether the board has to say yes to the whole plan.

Tara said the motion should mirror the vote taken by the Board of Selectmen {haven’t seen those minutes yet}

John expressed his frustration over not having a clear determination of the board’s role in these approvals.

Maria explained that she has asked the Ag Society to provide the Commission with any requests at the same time they are submitted to the BOS and VCS so that the board is not left in the position of taking a position that is contrary to VCS.

No action was taken on the plan for the High School graduation.

A motion was made and seconded to allow the Farmers Market to be held on the Ag Hall grounds for the summer of 2020. Roll Call Vote: Binnie –aye, John – aye, Geraldine – aye, Peter – aye, and Whit aye. Tara abstained.

Old Business:

Climate Change Committee: Members discussed the content and purpose of a response to Kate Warner's letter regarding the board's intentions to create a 1-5 year plan to address the climate change goals identified in the summary of findings generated by the Community Resilience Building Workshop dated June 30, 2018. Donna provided the board with her perspective on the goals of the climate change committee. Maria explained that the letter addressed each point made in Kate's letter. Whit will rewrite the letter. No action was taken.

Administrative:

FY2021 Expense Budget reductions: After a brief review of the budget year-to-date expenditures, a motion was made and seconded to reduce the operating expense budget by five percent (5%). Roll call vote: All in favor.

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

Respectfully submitted,

Maria McFarland
Board Administrator