WEST TISBURY

CONSERVATION COMMISSION

MINUTES OF MEETING

 July 12, 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 as extended.

**Present:** Fred Barron, Geraldine Brooks, Whit Griswold, Donna Paulnock, and Peter Rodegast

**Absent**: Angela Luckey and Michael Turnell

**Staff Present**: Maria McFarland

**Also present for all or part of the meeting**:  David Bouck, John Brannon, Tracy Braun, Sheri Caseau, James Cooper, Bryan Collins, Sarah Doyle, Mariana Lent, Chris McIsaac, Emily Reddington, Rachel Sorrentino, Torston Schlamsbach, Reid Silva, George Sourati, and Bret Stearns

**Minutes:** Approval of the minutes of the June 28, 2022 meeting were tabled to the next meeting.

**Great Pond Foundation (GPF): Presentation of Ecosystem Monitoring Report for Tisbury Great Pond;** Emily Reddington, Julie Pringle, and David Bouck: Julie Pringle spoke on behalf of the GPF. She took the meeting through a power point presentation of the key findings from the 2021 sampling protocol. Sampling took place between May 11 and October 7, 2021.

Nutrient sampling for Total Nitrogen ( TN) was done once a month. Station TGP1 showed a spike following the Parrot Feather removal project which took place in Town Cove in September of 2021. Nitrogen sampling was only done once a month because collecting and processing the samples is more labor intensive and the testing costs are expensive.

Nitrogen readings at TGP stations 4, 5 and 6 was .41 mg/L below the management goal of 0. 48 mg/ L TN, and station TGP 7 was .046 mg/L TN below at 0.366 mg/ L.

For Dissolved Oxygen ( DO) a logger was deployed at TGP 4. The sensor detected periods of hypoxia. The large fluctuation in DO suggests impaired water quality.

Emily said with more time and money all sources of nitrogen coming into and out of the pond should be tested as per Kent Healy’s theory on this subject. This would encompass collection of rainfall in the pond, measurement of nitrogen in the rainfall, and testing the stream and ocean flows into the pond. That type of study would be a much bigger project and far more expensive but is worth having a discussion about. She said this type of study is rarely done.

Whit asked about the correlation between these factors and their impact on shellfish. Julie replied that she doesn’t have any data on this issue but could look into it. Emily said that the GPF would like to be able to match water quality data with the concentration of spat, season and opening data to make that kind of correlation. She said this would be great data to have but hasn’t been done yet.

David Bouck has been working to digitize all of Kent Healy’s data on Tisbury Great Pond.

There was a brief discussion about the average number of days the pond stayed open in various years.

Whit asked about the location of the sampling sites in relation to where the cut is currently be made for pond openings. David said he would try find a more current image to use.

Fred asked if they have noticed any trends related to climate change. Julie responded that they are recording higher temperatures. She gave several examples of how climate can change the water quality. No action was taken.

**Public Meeting:**

**Map 38 Lot 7.1:** 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 Sourati Engineering Group, LLC on behalf of Troy and Kimberly Stanfield for a determination on a project to replace a failed septic system. The project location is 140 Sarita Walker Road.

George Sourati presented a request for a determination by the board as to whether this project required the filing of a Notice of Intent. This property changed hands last year and the Board of Health failed the septic system. The owners would like to use the 5-bedroom house while they make plans to rebuild and develop the property. The new system will support 7 or 8 bedrooms. The tank and pump chamber will be installed in the same location as the existing tanks next to the house. The house is located within the Buffer Zone of Land Subject to Coastal Storm Flowage under the Bylaw. This project does not fall under the state regulations. It is only covered by the local bylaw.

 The leach field will be placed outside the board’s jurisdiction as it will be located 479 ft for the edge of the pond.

Commissioner’s Comments/Questions:

Geraldine asked if there was any consideration given to installing an enhanced system. George replied that they don’t plan to install an enhanced system because Watcha Pond is a fresh water pond, and, in his opinion, Phosphorus is more of an issue than nitrogen in a fresh water pond.

Peter noted that denitrification systems have high energy costs.

 There being no public comment, the public meeting was closed. A motion was made and seconded to issue a Negative Determination that this project is within the Commission’s jurisdiction under the local bylaw, but does not require the filing of a Notice of Intent for an Oder of Conditions: Roll Call Vote: Donna-aye, Fred -aye, Geraldine – aye, Peter -aye, and Whit – aye.

**Continued Public Hearing**

**Map 35 Lot 1.9/SE79-440:** a public hearing under the requirements of M. 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 Blue Heron LLC for a project to create and maintain a 4’ wide mown path, install a 4’x4’ ramp, 29’ elevated boardwalk, 64’. fixed piling pier, 5’ ramp and a 10’ seasonal floating dock in Town Cove on Tisbury Great Pond. The project location is 99 Pond View Farm Road.

Reid presented two proposed changes to the design of the project:

* Replacement of the PVC sleeves driven into the substrate to hold the steel pipes in place with 22 12”base pads. The difference is that the PVC sleeves would stay in the pond and the pads would be removed at the end of the season. The total alteration to the substrate would be 22 square feet for 22 pads.
* The Division of Marine Fisheries. (DMF ) identified the area as mapped habitat for the American Oyster ( *Crassostrea virginica*) and is therefore in an agreed deemed significant to the interests of the WPA for the protection of marine fisheries. To comply with the recommendations the bottom of proposed float be at least 1.5 ft. above the substrate in all coastal or estuarine habitats and at least 2.5 ft above the substrate over mapped shellfish habitat at mean low water. The original proposal does not maintain this minimum clearance at 2 ft. The plan shows that they have increased the float stops to be set at 2.5 feet.

The NHESP letter states that the project will not adversely affect the actual Resource Areas Habit of state protected rare wildlife species and will not result in a prohibit Take of stale-listed rare species. Changes to the project have to be submitted to the agency.

Commissioners Comments/Questions

Geraldine asked to look at the elevations. Reid said the changes are simple. Instead of steel pipes installed within PVC pipe sleeves that remain in the substrate there would be a pad at the base of the pipe that would be a pad. The pads would be more footprint on the substrate but less impact than the PVC sleeves would be left in the pond.

Geraldine then asked about the lateral elements of the new design. Reid answered that the brackets connect the pipes and keep the pipes from moving. The bracing will provide more lateral support. It would improve the safety of the structure. The whole footing and pipes come out while the PVC pipes will stay in place and could become a hazard to navigation.

 This is the first time these pads have been proposed to be used in West Tisbury. They are widely used in lakes. Peter said he would want DEP and DMF to sign off on the use of the pads.

Fred asked if Reid had determined if there was any other dock in the pond of this length. He had his grandson go out in a boat and measure 60ft and take a picture. Its very long and there is no context for it.

Fred is concerned about setting a precedent for long piers. Reid said he has applied for only 3 docks in Tisbury Great Pond since the dock regulations went into effect in 2006.

Public Comment

Sarah Doyle commented that they applied for a floating dock but that they were required to put in a dock that was much longer than they wanted so they never installed it. Sarah expressed concern about the lateral access.

An unidentified abutter commented that he thinks the cove is about 150-200 feet wide. An 80 ft dock will impede lateral traffic and a major artificial feature in the cove. Reid said the cove is closer to 500 feet wide. The performance standard in the bylaw regulations allows for dock no longer than 80 ft or a length equal to 25% of the distance to the opposite bank measures from the mean low water mark. Reid confirmed that the design meets this performance standard.

Chris MacIssac commented on the association pier at runner road that serves 9 properties. The Runner Road pier is 88 ft. In Chris’s opinion, this length is unnecessary given that the runner dock is further up the cove where it is sallower. There are 9 boats in use and they do not have an issue with boats grounding out.

 Peter commented that he assumed that the current proposed location was where the deepest water is but maybe it is the property owners preference of location. Reid replied that the location was based on the location of the existing path owner’s preference and the location of the existing path.

Bret Stearns asked if the 80 ft length the shortest span to low water access for the property. Whit followed up by stating that if this the dock was moved south they would get to deeper water sooner and perhaps the whole structure would be shorter, not on a diagonal orientation and less objectionable shorter it would also have less impact on vegetation under the raised walkway and on the pond bottom under the dock. Torston and Reid agreed to look at relocation the dock .

There was brief discussion about whether the dock could be seen from the house. It was confirmed that the dock would be visible to the house in its current location.

With the applicant’s consent, a motion was made by Fred seconded by Peter to continue the public hearing on this matter to August 8, 2022 at 5:10 PM to allow the applicant time to submit a redesign of the dock. Roll Call Vote: , Donna – aye, Fred – aye, Peter – aye, and Whit – aye.

**New Business:**

**Map 25 Lot 1.1/ Ag Society/ Request to hold two events in July: Veteran’s Advocate Group of MV Community Services and Animal Shelter of Martha’s Vineyard/Celebration of Animals;** A motion was made and seconded to approve the request by the Ag Society to host both of these events. Roll Call: Angela -aye, Donna – aye, Fred – aye, Geraldine- aye, Peter – aye, and Whit – aye.

O**ld Business:**

**Bylaw revisions view channel edits review** – Discussion tabled

Blackwater Brook Farm/ Runamuck Farm and Leonard-Peck Farm/ update – The attorney for the Estate of Elizabeth Cottle, and Deb Farber, owner of Blackwater Brook Farm held a zoom call with Mia Halter of the USDA Natural Resources Conservation Service regarding farming practices along Blackwater Brook. A site visit will be scheduled for the fall.

**Doane/Eppel/Eppel lawsuit DCSC Docket # 2174CV00030**:Dismissed 5/27/22 noted for the record

**Administrative:** Site visit day - tabled

There being no new business to discuss, the meeting adjourned at 6: 55 PM.

Respectfully Submitted,

Maria McFarland

Board Administrator