

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
May 23, 2023

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.

Present: Fred Barron, Peter Rodegast, Michael Turnell, Whit Griswold and Angela Luckey arrived at 5:20 PM

Absent: Donna Paulnock and Geraldine Brooks

Staff Present: Maria McFarland

Also present for all or part of the meeting: Rob Aryee, Becky Cournoyer, Brandon Faneuf, Kris Horiuchi, Marilyn O'Connell, Bill Plapinger, Ernie Thomas, Peter and Rachel Sorrentino, Rebekah Thomson, Phil Regan, Tom Shockey, Reid Silva, and Tara Whiting-Wells

Peter Rodegast called the meeting to order at approximately 5:00 PM.

Minutes:

Approval of the minutes of May 9, 2023 meeting were tabled to the next meeting.

Map 35 Lot 7/SE79-448: 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 demolition of the existing single-family dwelling and guest house, and the construction of a new house, guest house, pool with decking and terraces, gardens, and septic system together with associated site work. Demolition work is within the Riverfront Area and the new construction is within the Buffer Zone to Land Subject to Coastal Storm Flowage.

Peter opened the public hearing and read the notice into the record. This hearing has been continued a number of times and has been before other boards in town and peter asked if they had anything new to present or wanted to continue again. Reid explained that they had just met with the Planning Board the night before and they wanted to present what they had now and see what the Commissioners thought about it before deciding if they needed to continue. They did continue with the Planning Board until July as they had requested some changes to the architecture plan. They are trying to change the plan to get the house out of the first 25' of the buffer to the flood zone and the only new info is a sketch they have been working on since the last site visit and in response to last night's meeting. Phil spoke about the new sketch explaining that they tried but could not get back 50', and the design was to break the 1 large building into multiple smaller structures. He asked about help with a landscape plan that would work for them in the buffer zone to help mitigate the view and the light from the house. Peter said that wasn't really their jurisdiction and probably couldn't be much help in that aspect. They should go ahead and submit a proposed landscape plan with the notice of intent and they would look at it.

There was more discussion about the flood zone and the buffer zone elevation impacts now and in the future. Reid said he designs for today and cannot predict the future and feels the board is speculating. Fred felt they could not make a decision until the other boards approved but Whit disagreed. Maria recommended they do not approve until they know the final size approved by the Planning Board and ZBA. Mike mentioned that their concern was also about the 'over dig', the area around the footprint that

would be disturbed during building. Phil said most of the excavation would only be for crawl space, so only 4' deep. Kris Horiuchi said there will be a defined limit of work line, and in the landscape plan they have planned for restoration of those areas.

Maria suggested that they could go to the ZBA for setback relief and move the project back out of the whole buffer zone rather than just the first 25', but Reid did not think it would be possible and the elevation would not be changing so what was the point. Peter suggested they continue again and set up another site visit. Phil asked what the Con Com could suggest to them so that they could begin to address some of the issues put forth by the Planning Board. Maria thought that they should submit another landscape plan for the board to look at based on what the Planning Board said. They won't have issues with native trees being planted, but mowing in the buffer zone may be an issue.

Peter and Rachel Sorrentino expressed frustration at the circling around between boards. It was decided to schedule another site visit and then plan to move on the project with new plans at the next meeting in June.

Whit moved to continue the hearing till June 20th at 5:20 PM, with a site visit to happen on June 14th. Angela seconded. Roll Call Vote: Fred- aye, Angela-aye, Michael - aye, Peter-aye, and Whit -aye.

Old Business:

New member: Ernie Thomas.

Peter said that Ernie has attended a couple of meetings already and written a letter of interest to the Select board. They would like have him on the commission. Ernie shared that he is also on the MV Commission. Maria will inform the Select Board and let him know when they will put his appointment on the agenda.

Fred moved to recommend that the Select Board appoint Ernie Thomas as an Associate member of the Conservation Commission. Whit seconded. Roll Call Vote: Fred-aye, Michael - aye, Peter-aye, and Whit -aye.

31 Black Brook Crossing; pond maintenance: this was done as maintenance under an RDA in 1989. The pond was man-made on the brook. Maria had a brief conversation with the property owner and said that if he wants to do anything with the pond (dredging) he will need to file a full notice of intent. She will be following up with him tomorrow and let him know everything involved.

Map 15 Lot 1/ 274 Indian Hill Road/ Cottrell: Maria had just emailed project plans and had a brief conversation with Chris (Cottrell) explaining that she had not had a chance to look at any of the information sent by Brandon F, Eco Solutions. Peter asked why his delineations were different than the others and Brandon explained the standard delineations that he had used. He doesn't know why they were different and said he's been doing it this way for 25 years. His info has now been added to the plans; they will review and set up another site visit and let Brandon know if they need him to be present.

Chris Cottrell arrived and the plan was shared on screen for the board to look at. There was a question about 'clean outs' shown on Reid's plan and Chris explained that there were under-ground pipes run from a pit in the far corner as a drain for water coming from a neighbor's property. He said it was shown on Brandon's plan but not this one and Peter said everything that had been put in and everything proposed should be on the same plan, and should not have been installed without a permit. They will look at it on their site visit.

Maria pointed out a path through the wetland that should probably go away and it was discussed. Neighbor Rebekah said they had observed workers in that main wetland area, installing pipes and

bringing in many loads of material and other questionable activity which they had videoed and sent to the board. She is wondering what the Con Com is going to do about it. They deferred to Brandon as the expert, but he had not yet seen the materials sent by Rebecca to be able to comment. Peter said they would look for all of that on their site visit. Rebekah also wondered if the board would be able to locate the infiltration piping? They also spoke about delineations done in the last 20 years and Rebekah says the ones she had seen were not much changed until Chris bought the property in 2018.

Marilyn asked about the Orders of Condition and whether they had expired and Maria said that if the expiration date was in 2021, the middle of Covid, they may have been extended but she needed to check the file and would get back to her. She also asked if they could get a copy of the plans Reid had presented and if they could be included in the site visit. Maria said site visits were not public so they generally do not invite abutters to them.

At the end Peter summed up saying they are asking Reid to add a few more features to the plan, of what had been built or added, they will look at the info Rebekah has sent and then will schedule a site visit. Reid would like to be there for the visit. A site visit will be scheduled for June 14.

40 Norton Farm Rd/solar violation: No new information.

LC Beach Path/Greg Berman: The Commission has not connected with Greg yet to discuss the lowering of the dune for the beach path and have not heard what came of the Parks & Rec site visit.

Correspondence:

In: Notice of Intent/ Septic system/ 226 Middle Point Road/ Map 39 Lot 9: Maria mentioned that she had not written a legal ad for this notice so they would not be doing a site visit on the 28th.

There being no new business to discuss, the meeting adjourned at approximately 6:45 PM.

Respectfully Submitted,

Janice Haynes
Administrative Assistant
APPROVED
JULY 25, 2023