

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
June 20, 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, Whit Griswold Peter Rodegast, Ernie Thomas, and Michael Turnell. Angela Luckey arrived at 5:20 PM

Absent: Geraldine Brooks

Staff Present: Maria McFarland

Also present for all or part of the meeting: Rob Aryee, Derek Avakian, Jenny and Peter Brody, Sean Dougherty, Greg Ehrman, Amy Federman, Kris Horiuchi, Chris Lyons, Tom Shockey, Phil Regan, Tim Rizzo, Reid Silva, Rachel Sorrentino, and Aaron Teves

Whit Griswold called the meeting to order at approximately 5:00 PM.

Minutes:

The minutes of May 9, 2023 meeting were approved as revised.

Old Business:

Rattner/ 145 Obed Daggett Road/ Superseding Determination of Applicability/CC decision overturned: DEP issued a Superseding Determination which agreed with them that the stream is intermittent and not a perennial stream. Mr. Rattner wants to build a house outside the 200' Riverfront Area and has obtained a building permit. Reid is asking what the next step is. Maria will get back to him.

100 Watcha Club Road/ Map 43-1/ Modification of plans for pool size and location and guest house and location: They are requesting to modify the size and location of the pool. Phil explained that the guest/pool house was rotated, a porch removed and the footprint shifted to the north east. The pool was also shifted slightly. It all sits just outside the buffer zone. They are wondering if this can be considered a minor change and not require a new NOI. This is not the approval of the view channel that they are required to get. Everyone thought it was an improvement and didn't have any problems with the changes. No new NOI required, no vote taken.

Continued Public Hearing:

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.

Whit read the Hearing notice into the record and Reid summarized the situation so far. The plans have changed in regard to the project inside the buffer to the flood zone and he shared and explained it as it

was very busy. The buildings have been shifted slightly north to be further from the flood zone and compressed into a smaller footprint. He doesn't believe that moving it further back will make much difference as the elevation stays pretty much the same. The Planning Board has not yet signed off on the size of the house and won't be meeting until the end of July. Maria had sent out MA Coastal Flood Risk Maps that shows a small probability of inundation from coastal storm waters in 2030 and 2050, but no one had had a chance to look at them yet.

Phil explained the changes they had made to the house plan, moving some of the square footage above grade to the basement area under one part of the house and shrinking everything to bring the total size down by about 1000 square feet. He believes they are now under the square footage requiring a special permit under the big-house bylaw and may not have to go back before the Planning Board. They have also decided not to seek height relief.

Kris shared the updated landscape plan. They added the limit of work line on the plan to limit disturbance. They have designated no-mow zones and want to convert some current grass areas closer to the pond into a wetland meadow with natives. Mike asked if they had conducted a survey of the plants already in the area and Kris said they haven't officially yet. They also spoke about transplanting some things from the surrounding areas into the new area and management of the area. They intend to include a management plan for the meadow area and want to work with the Commission to develop it. Peter and Angela expressed a preference for no maintenance, but Kris explained that invasives were a problem and would need to be dealt with. They discussed the sod lawn area close to the house and Kris said they would use a drought tolerant variety that required less watering.

Now that they have reduced the size of the house and given up on the extra height, they do not have to go back to the Planning Board or ZBA for approval. They do have to meet with the building inspector so that he can confirm their numbers for the square footage. Maria wants to compare the old and new plans and wants a list of the plants they are proposing to bring in. She is also concerned that Natural Heritage needs to sign off on the plan because it is within their jurisdiction.

An informal poll showed that the board wanted more time to look at the new plans and read info before approving.

Peter moved to continue the hearing till July 11th at 5:20 PM. Angela seconded. Roll Call Vote: Fred-aye, Angela-aye, Michael - aye, Peter-aye, and Whit -aye.

Before the Sorrentinos left, Maria told Rachel that she had not gotten back to her on the dock extension as she is unsure of the expiration date and wants to get that sorted before they do an extension permit.

New Public Hearing: Map 11 Lot 44 /62 Ophelia Way/SE79- 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 M. and Jenny Brody. The project consists of the demolition of an existing single-family dwelling and the construction of a new house, septic system tie-in, relocate existing leach field to outside the Buffer Zone together with landscaping and associated site work.

Whit read the notice into the record. The Brodys spoke to explain their ideas. They were renters of the property for 27 years before purchasing the house in 2008 and have good relations with the neighbors. The downstairs bedrooms are not up to code and dangerous in a fire situation. They had considered a renovation but eventually decided that it made more sense to start over. They do not want the house any more visible from the pond than it is now, and are very concerned about affecting the pond. They want

their new landscape to be all natives that will create habitat. They are hoping to start this project this fall so that by next summer, all the work will be in inside.

Reid shared the plans and explained the project. The house will be close to the same foot print and the septic and leaching field will be updated and moved further from the pond. The propane tank will be removed and they will be doing solar on the roof so there will be no fossil fuels on the property. Only 724 feet of the new house will now be in the no-build zone. The slope between the house and pond is very well vegetated and they are not planning to cut anything for a view. They have spoken with James Lengyel at the Land Bank and have addressed the Land Bank's concerns regarding views and summer noise. They are considering having just a crawl space in some areas where digging may disturb the roots of trees close to the house. The exterior will all be weathered with no paint. They are removing a driveway and garage from the resource zone.

Kris Horiuchi showed the landscape plan and explained that the goal is to bring back the native landscape in the wetland areas and buffer zone as much as possible.

Mike asked about how many trees may have to be cut for solar gain, but they said those calculations have not been done yet. They located the garage strategically to get the best solar gain.

Peter asked about the septic system, if they would be moving the septic tank. Reid said the tank would be replaced with a new enhanced system and moved just a few feet to get it the required 10 feet away from the house, but it was impractical to move the tanks higher as they would have to pump the waste up the hill from the house. The leaching field would be relocated to higher ground.

Everyone was very pleased with the plan and how they had approached it. There will be a pre-construction site visit. Reid will send the septic plan that will be submitted to the Board of Health. Maria mentioned that trees overhanging the house would be considered hazardous and they could remove them after an administrative review and would not need to come back before the commission.

Angela moved to approve the NOI with the conditions as presented. Fred seconded. Roll Call Vote: Fred-aye, Angela-aye, Michael - aye, Peter-aye, and Whit -aye.

New Business:

New members:

Thomas: Appoint as full member: Ernie was welcomed to the Commission and asked if he was willing to be being appointed a full member. Ernie said he was.

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

Chris Lyons/ Interview: Chris said that he's been a resident of West Tisbury for 17 years and has been on the island for over 30. He really wants to be a part of the Town and help steer it in a good direction. He cares about the conservation of the town and works with the Ag Society and is concerned about agricultural resources. He would love to be part of the changes in town and move it forward in a positive way. He is a back-yard farmer and is studying to get his veterinary certificate for large animals. He was thanked and Maria will let him know when the Select Board makes the appointment.

Peter moved to appoint Chris Lyons as an associate member of the Conservation Commission for a one-year term. Angela seconded. Roll Call Vote: Fred-aye, Angela – aye, Michael - aye, Peter-aye, and Whit - aye.

Fred left the meeting at this point.

Old Business:

- **126 Naushon Rd (demolition) Appeal before the ZBA on 6/22. Appealing decision that they can't build for 2 years:** Maria said that depending on what the ZBA does, the owner may apply for an Order of Conditions.
- **Map 15 Lot 1/274 Indian Hill Road/ Cottrell/** Maria said nothing can happen until Chris's consultant comes back after July 4th. Peter said there is nothing to do with this one but the wetland delineation has been done which they will put on a plan and then come to them for an after-the-fact Order of Conditions.
- **LC Beach Path/Greg Berman/ update:** Maria suggested this be tabled to the next meeting as she has not had a chance to look at Greg's report. No action taken.
- **Map 12 Lot 5. 12/SE79-313/28 Hillbrook Lane/ Certificate of Compliance:** Maria noted that the setback for the new studio was 66 ft on the as built plan rather than the 72 ft that was originally approved. Maria said she didn't think it made that much difference. Maria and Peter did a site visit. The others said they trust their judgment and didn't need to see pictures.

Peter moved to issue a Certificate of Compliance. Mike seconded. Roll Call Vote: Angela – aye, Michael - aye, Peter-aye, and Whit -aye.

Whit asked if a thank you note had been written to Donna after her resignation but Maria had not yet. Whit and Maria will write up something.

There being additional business to discuss, the meeting adjourned at 7:15 PM.

Respectfully Submitted,

Janice Haynes
Administrative Assistant
APPROVED
JULY 25, 2023