

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
September 13, 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.

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

Absent: Angela Luckey

Also present for all or part of the meeting: Doug Hoehn, William Jurczyk-Villota, Torston Schlamsbach, and Reid Silva

Whit called the meeting to order at 5:03 PM.

Minutes: The minutes of the August 23 , 2022 meeting were approved as revised. Roll Call Vote: Fred – aye, Geraldine – aye, Michael-aye, Peter- aye, and Whit-aye.

Public Meeting:

Map 43 Lot 18/ 130 Little Homers Pond Road: 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 Schofield, Barbini & Hoehn, Inc., on behalf of Sylvia Hargrave, Trustee of the Silver Strand Trust for a determination on a project to install a driveway and trench to connect a new leach field to septic tank and pump chamber. The project is within the Buffer Zone to Land Subject to Coastal Storm Flowage. The leach field, new house, guest house, and solar panels are located outside the Commission's jurisdiction.

Doug Hoehn explained that the driveway relocation is for temporary construction access.

Doug was asked if the turnaround could be left to grow back once construction is completed. Doug replied that this is his understanding. The turnaround is just for use during construction.

Geraldine noted that this is a minor alteration. Michael commented that the landscaping can be restored after construction is completed. Peter thought it was an improvement over what is there now.

There being no public comment, the public meeting was closed. A motion was made by Peter, seconded by Michael, to issue a Negative Determination that the project is within the Buffer Zone to Land Subject to Coastal Storm Flowage but does not require the filing of a Notice of Intent. Roll Call Vote: Fred – aye, Geraldine – aye, Michael-aye, Peter- aye, and Whit-aye.

Donna joined the meeting after this vote was taken.

Continued Public Hearing:

Map 35 Lot 1.9/ 99 Pond View Farm Road/ 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 ft wide mown path, install a 4'x4' ramp, a 29'elevated boardwalk, 64' fixed piling pier, 5' ramp, and a 10' seasonal floating dock in Town Cove on Tisbury Great Pond.

Reid presented the revised project plan. The dock has been moved to the south where the water level is slightly deeper which allowed the overall length to be reduced to 49.5'. Of this, there is a 24' of pier, a 25' ramp, and 16' gangway. The boardwalk has been replaced with a set of wooden stairs that will be permanently attached to the coastal bank. The bank in this location is too steep for a ramp. There will be 5 steps with an 8" drop.

Because there is no need for a boardwalk over a long stretch of vegetation, the property owner would prefer to use wood decking instead of grating. No pressure treated wood will be used.

In accordance with the DMF recommendations set out in their letter of June 28, 2022, the float stops will be raised to 30" above the substrate. Neither the Division of Marine Fisheries (DMF) or the Natural Heritage and Endangered Species Program had any additional comments on the revised plan.

Reid noticed an error in the length of the ramp on the revised plan so he will correct that and resubmit it along with a revised project narrative with the specifications and materials to be used.

Overall Reid said it was a good fit for the site and the location is better. The new design still needs a Chapter 91 license even though the whole structure comes out seasonally.

Commissioners Comments/ Questions:

Michael asked how the base pads fasten to the bottom. Reid explained that the teeth of the pads rest on the bottom. They grab onto the substrate but are not jettied. Reid said he envisions the pad going in to the substrate about 6-10 inches. In the event of a significant storm, he doesn't think it would break apart.

Peter suggested that there be a condition that the dock be removed in the event a significant storm is predicted.

Torston Schlamsbach, the property manager, said the care taker will be given instructions regarding such a condition. He said the components of the dock will be removed and stored at the owner's property in Chilmark.

Michael asked if Reid has used this system before. He said he hasn't but thinks it is a better method than using PVC pipe that stays in the water year-round.

Fred said he was pleased that everyone was able to work together. Torston agreed that this is a better design.

Peter asked if there could be a condition limiting the horse power of the outboard motor. Maria explained that a town bylaw passed at town meeting in 1976 limiting motors to 10hp but the Attorney General did not approve the bylaw. However, there has always been an understanding that there is a limit for horse power of motors on the pond.

It was suggested that there be a condition to the effect that the owner will comply with any restrictions that exist now or in the future with respect to horsepower ratings on the pond.

There being no public comment, the public hearing was closed. Peter made a motion, seconded by Michael to approve the project as presented. Roll Call Vote: Fred-aye, Donna-aye, Peter- aye, and Whit-aye.

Special conditions will include no lighting or storage bins, maintenance to be done in the off- season when the structure is off site, and no fuel storage in boats or on the dock. Installation and hauling will be done between May 15 – October 15. In the event a significant weather event is forecast, the structure will be pulled from the water. Mention will be made of the informal agreement on 10 hp motors.

A motion was made by Fred, seconded by Peter to approve the special conditions for this project. Roll Call Vote: Fred-aye, Donna-aye, Peter- aye, and Whit-aye.

New Public Hearing:

Map 3 Lots 23 (40 Oak Grove Road), Map 3 Lot 23, Map 3 Lots 25, and 27 (66 and 68 Oak Grove Road) /SE79- 443: 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 David S. and Laura K. Ross, Trustees of the David S. Ross 2011 Qualify Personal Residence Trust and the Laura K. Ross 2011 Qualified Personal Residence Trust, Harry C. Orchard, Trustee of the Harry C. Orchard Irrevocable Trust, and Daniel Richheimer and Jennifer Kennedy for a project to remove

overhead utilities and poles and replace with underground utilities through a bordering vegetated wetland, under a perennial stream and within the Buffer Zone.

Reid presented the proposal to flush cut the existing utility poles and install underground utilities using a combination of directional drilling and open trench using a mini excavator. He detailed the sequencing for the work. The poles will be flush cut and hauled away.

Commissioner's Comments/ Questions:

Peter asked about maintenance of the vegetation once the line is underground. Reid replied that the maintenance would most likely be limited to the areas around the access boxes.

Whit asked how far below the wetland will the conduit be placed. Reid said it would be around 6 to 8 feet below the wetland but it is hard to say. He noted that the wetland vegetation and trees have mostly shallow roots.

Geraldine said it will be an improvement to have the poles and wires removed and the work is low impact.

Fred asked what they do with the soils removed from the trenching. Reid said there isn't much material that comes out of the trench so they most likely use the material around the pull boxes.

Peter asked about the material used for the boxes. Reid described them as hardened plastic. There is a pull box on either side of the wetland and 2 "turtle" or junction boxes.

Michael asked how Eversource will restore the disturbed areas. Reid said there will be enough root mat and top soil that they can use to restore the area. This can be a condition.

The public hearing was closed. Peter made a motion, seconded by Geraldine, to approve this project as presented. Roll Call Vote: Donna-aye, Fred -aye, Geraldine-aye, Michael-aye, Peter-aye and Whit -aye. Donna left the meeting after this vote.

Discussion on conditions: Geraldine asked if there could be a condition on lubricants used for the equipment involved in the work. Reid described the equipment and which joints would need lubrication. Maria said there is usually a condition about fueling and maintaining equipment outside the buffer zone. Michael asked that there be a condition about replacing the soil and root mat over the trench.

A motion was made Geraldine, seconded by Fred to approve these conditions. Roll Call Vote: Fred-aye, Geraldine -aye, Peter- aye, and Whit-aye.

New Business:

Map 15 Lot 7/SE79-438/ Del Prete: At the last meeting, the board discussed this matter informally. The landscape architect has now formally submitted the landscape plan revised to September 1, 2022 for approval under special condition # 15 of the Order of Conditions, which states that "the applicant agreed to reduce the amount of hardscape around the pool and to set the pool fence closer to the pool". The Del Pretes are asking that the changes from the May 10, 2022 site plan be deemed di minimis.

William Jurczyk-Villota, of Reimann Landscape Architects presented the new landscape plan. The pool size has increased from the original site plan that was approved, but has been reduced in size from the plan the board viewed at the August 23 meeting. Overall, the hardscape and pool footprint has been reduced by 32% . The length of the pool has decreased by 2' and the width by 6 " and the pool location has been shifted away from the wetland. There was a 40 % reduction in area encompassed by the pool fence.

The size of the parking area has been reduced back to the previously existing footprint of the driveway.

Peter said these revisions are more di minimis than the changes presented at the August 23 meeting.

Peter made a motion seconded by Fred that the landscape plans meets the terms of special condition #15 of the Order and that the changes from the original site plan prepared by Vineyard Land Surveying are di minimis and is therefore approved. Roll Call Vote: Fred-aye, Geraldine – aye. Peter – aye, Michael-aye, and Whit – aye. A letter of approval will be sent to the Del Pretes.

Old Business:

Bylaw revisions view channel edits review: The board briefly discussed setting a date to do this review, but no decision was made.

Blackwater Brook Farm/ Runamuck Farm and Leonard-Peck Farm/ update: No update.

Administrative:

There being no new business to discuss, the meeting adjourned at 6:28 PM.

Respectfully Submitted,

Maria McFarland
Board Administrator
APPROVED
OCTOBER 11, 2022