

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
January 9, 2024

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, Angela Luckey (arrived at 5:20), Chris Lyons, and Ernie Thomas,

Absent: Peter Rodegast and Michael Turnell

Staff Present: Maria McFarland

Also present for all or part of the meeting: Michael Barclay, Casey Blum, Bryan Collins, Nina Fialkow, David Foster, Russell Hartenstein, Ben Reeve, George Sourati, Bret Sterns, Gabrielle Whitcombe, and Jack Vaccaro

Whit Griswold called the meeting to order at 5:05 PM.

Minutes:

A motion was made by Ernie, seconded by Fred to approve the minutes of the November 28, 2023 meeting as amended. Roll Call Vote: Ernie -aye, Fred – aye, Geraldine -aye, and Whit – aye. Angela abstained.

A motion was made by Fred, seconded by Ernie to approve the minutes of December 12, 2023 amended. Roll Call Vote: Ernie -aye, Fred – aye, Geraldine- aye, and Whit – aye. Angela abstained.

New Business:

Map 7 Lot 26.3 / 7 Cottle Lane/ violation: Maria explained that the building inspector and a member of the Planning Board had contacted her about the clearing happening at this property. She went out on Monday but didn’t stop. The house is right on Lambert’s Cove Road so the cutting in the front yard was easy to see. On Tuesday she got another call and went back out to the property, this time stopping at the house to find Land Works Landscaping clearing in the Riverfront Area near Blackwater Brook. She emailed the Cottles on both days and on Tuesday asked the landscaping company to stop work. On Tuesday she went into the office at the lumberyard to let them know what had happened. Maria was instructed to set up a site visit with the Cottles.

Conservation Restriction/ Merry Farm LLC/Joint meeting; Maria explained this situation to the board. A joint meeting with the Select Board, Assessors, and the Planning Board will be set up for January 17, 2024 if the Select Board decides to accept the Conservation Restriction. No action was taken.

Public Hearing:

Map 35 Lot 6.12/SE79-461: 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 Sourati Engineering Group, LLC, for a project to renovate and construct an addition to a single-family residence within the flood zone/Land Subject to Coastal Storm Flowage (LSCSF), the construction of a garage/studio with associated utilities, and the installation of a new septic system. The project is located within the flood zone and within the Buffer Zone to LSCSF, over a Coastal Bank and within the Buffer Zone to a Coastal Bank at **130 Plum Bush Point Road** owned by Nancy B. Gardiner, Trustee of the CYS 130 Realty Trust.

George presented the project and introduced Jack Vaccaro the consultant the applicant hired. Michael Barclay described the details of the renovation. Current structure is on pilings. Mr. Vaccaro described the coastal bank. The Coastal bank has several unique characteristics that are relevant to the Commission's review of this NOI. In his opinion, the Coastal bank is stable and non-eroding and doesn't serve as a sediment source for any downdrift resource areas. Also, the coastal bank is located in an area that is not vulnerable to wave energy because it lies outside the FEMA A zone and well beyond the limits of moderate wave action. This coastal bank is located within the AE flood zone, which further indicates that the area is prone to still water flooding not wave damage. The coastal bank is discontinuous in that it doesn't extend across the entire property. It appears to end in the vicinity of the existing residence. He explained that this is relevant when considering the ability of the Coastal bank to provide the 2 primary functions for non-eroding coastal banks, namely, storm damage prevention, and flood control.

Mr. Vaccaro went on to explain that the portion of the coastal bank to be affected by the project lies directly landward of the existing house, and is likely the result of grading and excavations that were carried out when the residence was constructed. The location of the coastal bank to be affected directly adjacent to the existing residence is relevant when we consider the function of wildlife habitat. Because the coastal bank is only 2 feet high it has minimal slope that does not provide for flood protection or storm damage prevention for this property or for adjacent properties.

He concluded by saying that the Commission does have the discretion to consider these types of situations on a site by site basis. The Commission can issue a decision that provides the necessary relief to the applicant.

The board then reviewed the details of the waiver request under the bylaw.

Maria presented the board with an estimate from Environmental Consulting and Restoration to prepare a third-party peer review of this project. George said that the applicant is willing to pay for this consultant to be hired for the commission at her expense.

Issues discussed:

- Extensive nature of the renovations/ move house out of the flood plain. Potential issues with it being pre-existing non-conforming.

- Hiring a consultant to do a third -party peer review or revising the project plan.

George informed the board that the owner likes the view from the location of the house and does not want to move it back and also that she is willing to pay the fee for Environmental Consultants.

A motion was made by Ernie seconded by Angela to hire Environmental Consulting and Restoration to perform a review of this project on the Commission's behalf, and also to continue this public hearing to February 13, 2024 at 5:20 PM. Roll Call Vote: Roll Call Vote: Angela aye, Ernie -aye, Fred – aye, Geraldine -aye, and Whit – aye.

Old Business

Map 8 Lots 2 and 2.2/ 18 Solviva Road/Violation on 12/8/2023: Two emails have been sent to follow up on the letter to Mr. Gude. Maria will call Mr. Gude this week.

Map 35 Lot 6.7/ WTCC2023-01: Members reviewed the project changes: Russell Hartenstine spoke on behalf of the Carney's. At the request of the neighbors, a number of changes were made to this project plan while this project was before the ZBA. The changes included relocating the pool house to a spot that blocks the access way approved by this Commission. The contractor would like to add a 15-foot wide temporary access driveway on the north side of the pool. The Order of Conditions required the access to be from the south side. Conditions in an Order cannot be changed without the issuance of an amended Order. A new 15 wide temporary access is within the buffer zone.

Moving the garden shed requires the construction of a retaining wall near the lot line and some additional landscaping to provide screening. The ZBA permit calls for a significant amount of landscaping that the Commission has not approved. The applicant was asked to file a request for a Determination of Applicability to get approval for these changes.

Annual Report: A motion was made by Fred, seconded by Ernie to approve the Annual Report as amended. Roll Call Vote: Ernie -aye, Fred – aye, Geraldine -aye, and Whit – aye. (Angela was not present for this vote.)

There being no other business to discuss, the meeting adjourned at 6:15 PM.

Respectfully Submitted,

Maria McFarland
Board Administrator
APPROVED
JANUARY 23, 2024