

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
October 13, 2020

Present: John Brannen, Geraldine Brooks, Whit Griswold, Donna Paulnock, Binnie Ravitch, Peter Rodegast, and Tara Whiting-Wells

Absent: Michael Turnell

Staff Present: Maria McFarland

Present for all or part of the meeting: John and Julia Christensen, Chris McIsaac, Greg Palermo and Reid Silva

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

Minutes: The minutes of the September 22 meeting were approved with revisions. Roll Call Vote: Binnie, Geraldine, John, Peter, Tara, and Whit voted in favor.

Minutes of September 8, 2020/Clarification re: SE79-415/Map 39 Lots, 9, 10, & 11: During the discussion regarding the requirement for a sand analysis to be done every time the array at 234 Middle Point Road is nourished, the minutes were not clear on what the conditions for submittal of a sand analysis would be. The minutes of the September 8 meeting will be corrected to reflect that a written analysis will be prepared by a third party at the Applicant's expense, and submitted to the Commission together with a sediment sample for approval prior to placement on the array. Subsequent to the first nourishment under the new order, this analysis will only be required if the source of the sediment supply changes. A motion was made and seconded to approve this clarification. Roll Call Vote: Binnie, Geraldine, John, Peter, Tara, and Whit voted in favor.

Public Hearing:

Map 12 Lot 3/ 56 Mayhew Norton Road/ SE79-418: public hearing under the requirements of 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 John R. Christensen and Julia M. Christensen, Trustees of the JMC Realty Trust. The project consists of the installation of a new Title 5 septic system to serve an existing single family dwelling, and construction of a 2-bedroom detached accessory apartment (the "addition") in the second 100 feet of the Riverfront Area.

Reid presented the project. The existing leaching pit is located under the proposed addition. Due to site conditions, the old pit will be replaced by a Presby Wastewater Treatment System that uses flexible tubing that allows for maintaining existing contours. This type of system reduces the footprint of the leach field by forty percent.

There are three trees in close proximity to the location of the new tank. One of the trees is not in good shape and will be removed. There is no pump as it is a gravity system.

The addition will be located 173 feet from the edge of an unnamed perennial stream. Reid said it would be a good idea to have a door on the north side of the addition rather than a bulkhead would be the preferred design. John Christensen said he and the architect have not finalized this aspect of the design, but it most likely will be a walk in door on the northwest side of the structure. There will most likely be a walkout foundation or a door on the lower side but no bulkhead. The accessory apartment footprint as shown on the project plan has been approved by the ZBA.

Members reviewed and accepted the alternatives analysis that is required as part of the application for a project in the Riverfront Area.

Commissioner's comments/questions

Peter commented that it all looked good. Most of the project is within an already disturbed area. He asked if a retaining wall would be required. John Christensen replied that he would look into that.

Peter asked if the Presby system uses less sand than a traditional system. Reid replied the system uses a similar amount of sand. He explained that the use of sand is a septic system designer's preference and not required. Some engineers like to add 6-12 inches of sand because it extends the life of the system. He went on to describe the installation process.

Whit asked how deep the excavation of the leach field is. Reid answered that they go down about three feet. Whit followed up by asking if the excavation could undermine the stonewall. Reid said the contractor would have to be careful.

The project plan will be revised to show the location of erosion controls measures and to designate the location for stockpiling of materials in the parking area.

There being no further discussion or public comment, the public hearing was closed.

Binnie made a motion, seconded by Tara, to approve this project as presented. Roll call vote: Binnie-aye, Geraldine-aye, John -aye, Peter –aye, Tara –aye, and Whit –aye. All in favor.

Special Conditions: Geraldine asked if approval of the removal of one tree could be conditioned to require a replacement tree. Maria explained that tree being removed is in an already landscaped area more than 170 feet from the stream, and the applicant stated that the tree is not healthy. A replacement tree would not usually be required in this circumstance, but if the applicant was amenable, she suggested a native tree in the location of the applicant's choice. Reid said he would move the tank before planting a new tree in that location. Julia said she preferred to remove the tree and plant another one in a different location.

Special conditions will include a pre-construction site visit, an as built foundation plan and the planting of a native species tree in a location of the applicant's choice to replace the apple tree being removed for the placement of the new septic tank.

New Business:

Map 25 Lot 1.1/ Agricultural Society/ Request from the Charter School: Maria reported that DEP did not approve this request because the State requires a school to have an approved public water supply system that is not available at the Ag Hall. No action was required.

Native Plant Trust/Botanical survey at Seth's Pond. A request by Micah Jasny, the Botanical Coordinator of the Native Plant Trust (formerly the New England Wildflower Society), to survey the area in front of the town owned parcel for Reticulated Nut Rush (*Scleria reticularis*) was noted for the record. No action was required.

Invasive Species removal/Pear Tree Cove/ Tisbury Great Pond: Members held an informal discussion with Greg Palermo and Chris McIsaac regarding a stand of an invasive species called Parrot Feather (*Myriophyllum aquaticum*). Greg and Margaret Cronin have identified an approximately 90-foot stretch of this plant in Pear Tree Cove. [Greg mistakenly identified the location as being at the head of Muddy

Cove.] Greg told the board that this invasive species is new to Massachusetts. According to Greg, this plant is known to have negative ecological consequences including reducing dissolved oxygen content and has negative effects on invertebrates. He said he has checked with Emily Reddington of the Pond Foundation in Edgartown and Chuck Fisher of the Friends of Sengekontacket. Neither has seen the plant in Edgartown Great Pond or Sengekontacket.

Geraldine said she did some research on this plant. She asked how it would be eradicated because the plant can spread by fragmentation. Greg said he could not know the answer to that question as this is not his area of expertise.

Maria said she sought guidance from the Lakes and Pond Program at the Division of Conservation and Recreation (DCR) as to the Commonwealth's jurisdiction. According to Tom Flannery of DCR, there "is no responsible party. The town or Riparian Owners Association could be the applicant. The current GEIR issued by the Secretary of Environmental Affairs has urged Commissions to issue a Negative Determination of Applicability for removal of pioneer infestations with non-chemical techniques (diver hand pulling, diver assisted suction harvesting, etc.)." If it is a large project, he recommended an application of systemic aquatic herbicide that would require a Notice of Intent. He suggested that SOLitude Lake Management Company could be of assistance. As coincidence would have it, Keith Gazaille, who is from the Vineyard, works for SOLitude Lake Management. In an email dated October 6, 2020 he concurred with Mr. Flannery's assessment.

Chris McIsaac was present at Maria's request to join this discussion as President of the Riparian Owners.

Whit asked if the plant is fast spreading, and what would be wrong with hand pulling. Maria replied that she had hoped Keith would have been able to join the meeting to answer such questions..

Spreading by fragmentation means fragments may break off and drift downstream or attach to boats and wildlife and create new infestations elsewhere. Keith Gazielle told Maria it can be hand pulled but it is difficult to achieve long-term control.

Both Mr. Flannery and Mr. Gazaille recommend using ProcellaCOR. It has excellent activity on Myriophyllum species; a very favorable eco toxicology profile requires a very short contact time with the target plants and has systemic activity.

Chris said he would look at it with Sheri Caseau, water quality planner at the MVC, on Thursday when they are out taking samples for water quality testing.

Chris said the pond is closed and quite high and asked Greg if the plant would die when exposed. Greg replied that it would not.

Chris said the riparian owners do not have a great deal of authority under Chapter 203 of the Acts of 1904. They are in the process of establishing a foundation and do fundraising. Chris said the Riparian owners do not have discretionary funds beyond paying the costs of opening the pond.

Peter commented that if there is a safe way to do it maybe a volunteer group could do the work.

Maria was asked to call SOLitude Lake Management to see if Keith or someone else from his company can come out to provide an estimate of the cost to remove this infestation and Chris will look at the site on Thursday.

West Tisbury Ponds/ Cyanobacteria: Donna and Whit attended a presentation by Nancy Leland, associate faculty at the UNH Center for Freshwater Biology, on the results of an analysis of samples taken from several island ponds. There have been a couple of articles in the Gazette about the bacteria. More testing needs to be done. Sheri Caseau and Emma Green-Beach of the MV Shellfish Group are working on a grant for sampling and testing. Whit mentioned that there was a discussion about using the former state lobster hatchery on the Oak Bluffs side of Lagoon Pond and currently leased by the shellfish group as an analysis lab.

Maria was asked to reach out to the other island commissions to make sure they are aware of this situation, and to let Emma and Sheri know that they have the board's verbal support in efforts to create a lab and apply for grant funding.

State Forest/Sheriff's Meadow Foundation/ Natural Heritage and Endangered Species Letter of Non –Compliance: Tara said she has been trying to find out why the unauthorized trails cut in the state forest have not been closed by Sheriff's Meadow. Tara said the letter of non-compliance clearly states that the trails should be closed.

Tara said she would like the board to write a letter to DCR and NHESP to express the board's dismay as to why the trails have not been closed.

Maria told the board that she email Jesse Leddick, the Chief of Regulatory Review at NHESP, and author of the letter of non-compliance, to get an answer to Tara's question. She asked if any decisions have been made on whether any of the new trails in the State Forest that were created without DCR and NHESP approval are to be closed or have already been closed, and was SMF instructed to close any trails under the letter of non-compliance.

In an e-mail, reply dated October 7, 2020; Mr. Leddick wrote, "Our review of this under MESA is still in progress. SMF was not specifically instructed to close any trails under our letter of non-compliance, although trail closure and restoration will be required as part of any outcome. DCR is working on a plan for how and where to implement trail closure and restoration activities, which will require our review and approval prior to implementation."

Maria also suggested the board review the report prepared by SMF that documents the unauthorized work and possible mitigation measures that DCR and NHESP could take.

Peter noted that the letter of non-compliance was addressed to one SMF board member care of SMF because NHESP did not have another address for this board member. He added that Sheriff's meadow has contacted NHESP, and was told not to close any trails yet as they are still reviewing the report.

Members concurred with Tara that a letter be sent to NHESP. Whit and Tara will work on a draft letter to be approved at the next meeting.

Old Business:

Revisions to Bylaw regulations Discussion tabled to the next meeting.

Administrative:

Certificate of Compliance: Maps 5 & 13, Lots 1, 4, & 5/ SE309/200 Obed Daggett Road: Approval tabled to the next meeting.

Approved for payment: DaRosa bill for office supplies - \$258.16

Correspondence:

In:: Copy of MVC Decision DRI 696 PCMV West Tisbury Recreational Dispensary
Request dated September 24,2020 from Micah Jasney, Botanical Coordinator for the Native Plant
trust to conduct survey at Seth's Pond for reticulate nut rush (*Scleria reticularis*)
Email dated from Greg Palermo regarding identification of Parrot's feather in Muddy Cove on
Tisbury Great Pond

Out: Map 36 Lot 18/ 70 Taffy's Field Road/ Order of Conditions/SE79-416:
Map 7 Lot 153/235 Longview Road/ Order of Conditions/ SE79-417

There being no further business to conduct, the meeting adjourned at 6:35 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED
October 27, 2020