

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
November 12, 2019

Present: Brian Beall, John Brannen, Geraldine Brooks, Whit Griswold, Donna Paulnock, Peter Rodegast, **Michael** Turnell, and Tara Whiting-Wells

Absent: Binnie Ravitch

Staff Present: Maria McFarland

Also present for all or part of the meeting: **George Crawford**, Kristen Geagan, Kristen Leader, James Moffatt, Adam Moore, Reid Silva, Joan Smith,

The meeting was called to order at 5:00 P.M. Tara Whiting-Wells, Chair presiding.

Minutes: The minutes of the October 22 meeting were approved as revised. Michael abstained.

Continued Public Hearings;

Map 5 Lot 2.3/SE79-408: 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 Vineyard Land Surveying & Engineering, Inc, on behalf of Cedar Tree Farm LLC for a project to demolish and remove an existing single family dwelling and reconstruct a new dwelling of similar size in the general location of the existing house. The project is located at 209 Obed Daggett Road.

Reid provided dimensions for the existing and proposed footprint of the house. The existing house is 495 square feet. The house will be increased by 259 square feet for a total of 754 square feet. The deck will be 387 square feet. The total increase of new alteration in the Buffer Zone will be 646 square feet.

Shore Zone issue: One of the reasons the public hearing was continued was to allow Reid time to speak with the Building Inspector to determine if this project is within the Inland Zone of the Coastal District (a zoning overlay district). If so, a special permit will be needed for this project. Joe has been away so Reid hasn't been able to get an answer to this question. Reid submitted a plan showing the coastal district overlay. A floor plan of the new interior layout of the house was also provided.

To address concerns raised at the last meeting about new disturbance in the Buffer zone, Reid submitted a plan showing 1,300 square feet of lawn that would no longer be mowed as proposed mitigation. He calculated the mitigation area to be twice the size of the proposed new footprint of the house and deck. Restoration areas are within the first 50 feet of the Buffer Zone. Mrs. Smith said that the cleared areas are mowed once a year.

Reid will add the access route on the plan. They will use the same route they did when they upgraded the septic system. The route is over a little causeway that straddles a wetland.

Commissioner's Comments/ Questions:

Geraldine said she was uncomfortable with allowing a project that moves closer to a wetland. Peter said the board has approved this type of project before.

Tara asked if they had any discussion about rotating the house. Reid said they didn't want to change the interior layout; it was more of an addition. Rotating the house might require relocation the newly

installed septic tanks. The house could be moved outside the buffer zone completely, but that would cause equal or greater disturbance.

Reid was asked about the footings. Reid estimated the number of sonotubes to be 25. He doesn't know if a structural engineer has looked at the house. Holes will be dug with a mini excavator. Pre-fabricated footings can be put in and immediately backfilled. He will confirm this detail.

Whit asked if this will continue to be a seasonal house. Mrs. Smith confirmed that it will be.

Reid said it makes sense to continue the public hearing one more time in the event this project does require a special permit. Reid asked to get a sense from the board if they will approve the project once the zoning question is issued. He did not get a definitive answer.

Reid will revise the plan to show the access and staging area, the number of footings and will meet with the Building Inspector.

A motion was made and seconded to continue the public hearing on this application to December 10 at 5:10 PM.

New Public Hearing:

Map 14 Lot 2/SE79-409: a 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., for site work associated with the installation of septic tanks and waste water lines, and completion of landscape restoration work originally approved or required under Order of Conditions SE79-368 and any new landscaping. The project location is 38 Forest Road. The property is owned by Seven Gates Corporation and leased to Water Lily View LLC.

Reid explained that there was a long delay between the issuance of the original permit and the commencement of construction by the new owner because the house was on the market for a while. It recently came to light that the septic system plan hadn't been approved by the Board of Health further delaying the installation of the septic system. The exterior construction work is done. There is one change to the piping for the septic tanks.

Work in the Buffer Zone includes trenching within the driveway. The leach field is 107 feet from the edge of one of the wetlands and 140 feet from the edge of the other wetland. No variances are required from the Board of Health.

There were no comments or questions from Commissioners or the public. The public hearing was closed and a motion was made and seconded to approve the project as presented. The conditions from the original permit will be incorporated into this new order. All in favor.

New Business:

Map 25 Lot 1.1/ APR/ MV Horse Council: The board reviewed an email from Julie Flanders, President of the Martha's Vineyard Horse Council dated October 30 requesting permission to recommence holding their monthly meeting at the Ag Hall. Brendan O'Neill signed off on this request by email dated October 31 which was read for the record.

Tara mentioned that the 2020 list of approved events will be discussed at the Board of Selectmen's meeting November 13. Tara said while she has no issue with these meetings being held at this location, it

is her opinion that the Ag Society has made no effort to comply with the APR and reduce the number of events being held and actually continues to add additional events. A motion was made and seconded to approve this request. The vote on the motion was 4-1-1. John, Geraldine, Michael, and Peter voted yes. Tara voted No. Whit abstained.

Community Preservation Committee/ Mill Brook Watershed Committee: John updated the board on the pending application before the CPC for a second \$40,000 to implement the recommendations of the Mill Brook Watershed Study. John said the committee may not approve the application because the town hasn't done anything with the first \$40,000. The new committee has just been formed. It was noted that the committee could have a plan in place for all the money by the April 2020 town meeting. No action was taken.

Old Business:

5:10 PM/ Map 6 Lot 2: Rattner-Sheriff's Meadow Foundation/Amendment to Conservation Restriction: Peter recused himself for this discussion and went to sit in the audience.

The proposal presented at the October 8 meeting was to place a deed restriction on the 1.7 acres being removed from the acreage covered by the CR. The board did not find that acceptable and wanted to table the discussion until Tara was present.

Tonight Adam Moore and Kristen Geagan presented a revised plan that will keep all of the 3.58 areas covered under the original CR protected and will add 8.51 acres for a total of 12.09 acres. Under the section on permitted uses a tennis court and one small accessory structure would be permitted. According to Kristen it is possible for a driveway and tennis court to be located more than 100 feet from the wetlands.

Kristen and Maria confirmed that there have been at least 4 conservation restrictions that were amended between 1991 and 1999 one between the Goethals Family and Sheriff's Meadow; one between Leona Langmuir (now SMF) and the Town; and two between the Woods Family and The Nature Conservancy. It is unclear if the Commission issued Municipal Certifications in favor of these amendments but all amendments were signed by the Board of Selectmen.

In the new proposal there would be a right reserved to the property owner to have a tennis court and storage shed within the CR area. Whit asked if Sheriff's Meadow could place conditions on this right; such as limiting it to one court, no impervious surfaces or lighting, drainage and protections during constructions. Adam said they could.

It was noted that the State has already approved the amendment with less acreage.

Tara said she appreciated the work of Sheriff's Meadow Foundation as well as the give and take and the flexibility of the property owner.

A motion was made and seconded to sign a Municipal Certification that the amended and restated Conservation Restriction between Michael Minars, Trustee of Songwind Nominee Trust, and Sheriff's Meadow Foundation will have increased public benefit as the amount of protected land will increase from 3.58 acres to 12.09 acres. A final plan and document will be submitted for the December 10 meeting at which time the board will sign the Municipal Certification. All in favor.

Map 30 Lot 11.1/ 85 Red Pony Road/ White Stone: Maria updated the board. On November 15 Johnny Hoy sent in a picture of a large puddle in front of the concrete structure that holds the manure. Maria reported that she talked to Melissa Brigham, the barn manager for an update and was told that Vineyard

Gardens has been taking the manure away on a more regular basis. Melissa told Maria that she had a visit from someone (possibly Bill Wilcox or Don Liptack.) She is supposed to get back to Maria with more information. The Commission has no jurisdiction on the location of the manure container as it is more than 200 feet from a wetland, so any enforcement would rest with the Board of Health. No action was taken.

Tiah's Cove Road culvert replacement: Tara updated the board on this project. A bid package went out earlier this year. Because of some questions, the bid package was pulled. The Highway Superintendent is responsible for determining the need to do this project and work. The Town Administrator acting as the Procurement Office is going to work on a new bid package. Once construction costs are known, the town could apply for any available grant money. No action was taken.

Administrative:

Map 15 Lot 10/SE79-130: Certificate of Compliance for 1996 Order of Conditions was approved and signed.

Map 3 Lot 91/ Path at Lambert's Cove Beach: Waiting for a report from Greg Berman as a follow up to his October 18 site visit.

Correspondence:

In: Letter from MACC regarding dues increase for FY 2021
Notices of Intent Map 6 Lot 7 and Map 3 Lot 7

Out: Map 12 Lot 13/ SE79-371/ Order of Conditions
Map 14 Lot 2/SE79-409/ Order of Conditions

There being no further business to conduct, the meeting adjourned at 6:20 P.M.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED