

WEST TISBURY  
CONSERVATION COMMISSION  
MINUTES OF MEETING  
December 10, 2019

**Present:** John Brannen, Whit Griswold, Donna Paulnock, Binnie Ravitch, Peter Rodegast, Michael Turnell, and Tara Whiting-Wells

**Absent:** Brian Beall and Geraldine Brooks

**Staff Present:** Maria McFarland

**Also present for all or part of the meeting:** Adam deBettencourt, Sue Hruby, Shelia Morse, Reid Silva, and George Sourati

The meeting was called to order at 5:07 P.M. at the West Tisbury Library. Tara Whiting-Wells, Chair presiding.

**Minutes:** The minutes of the November 22 meeting were approved as revised. Binnie abstained.

**Continued Public Hearing:**

**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.

This hearing was continued to allow Reid time to get an opinion from the Building Inspector on whether this project is located within the Shore Zone of the Coastal District under the Zoning Bylaw. If it is, the project will need a special permit.

Because Reid has been unable to get an answer from the Building Inspector; he asked the board to close the public hearing and make a determination. His client would like to move forward. He realizes that if the project needs a special permit they may need to come back to this board for an amendment to the Order of Conditions.

At the last meeting Reid was asked to show the access route and staging area on the plan and to identify the number of footings that will be required to raise the house. The plan has been revised but he was not able to do a structural review so he did not provide a count of the footings.

The public hearing was closed. Special conditions will include the following:

- Pre-construction site visit.
- Boundary markers to show the mitigation areas.
- Gravel placed under the deck will be required to improve drainage.

Reid will add notes to the plan for the boundary markers and the gravel will be as shown on the plan. A motion was made and seconded to approve the project as it has been revised and as conditioned. The vote on the motion was 4-0-0. Binnie and Mike were not eligible to vote.

**New Public Hearings:**

**Map 6 Lot 7/SE79-410:** 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 on behalf of JCR 508 Realty LLC for a project at 255 John Cottle Road. The project consists of the construction of approximately 286 linear feet of new stone wall the closest point of which is 26 feet from an isolated wetland and within 56 feet of a bordering vegetated wetland. Michael Turnell recused himself and stepped away from the meeting table.

George Sourati presented the project. The plan is to remove a portion of an existing stone wall and rebuild it so it will connect to another stone wall on the property. The new wall will be dry laid on a gravel footing. They plan to reuse the stone from the dismantled wall. No trees will be removed for construction of the wall. Clearing of vegetation will be minimal. There will be no mowing between the new wall and the wetlands. Per a previous permit, the owner is not allowed to mow within 25 feet of the wetlands. No machinery will be used on the wetland side of the wall.

Construction of stone walls is an exempt activity under 310 CMR 10.00, but such activity is not exempt under the local bylaw.

A motion was made and seconded to approve the project as presented. The vote on the motion was 6-0-1. Whit abstained.

**Map 3 Lot 7/ SE79-411:** 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., on behalf of Lynley Projects LLC for a project at 63 Boghouse Way owned by Lamberts Cove House LLC. The project consists of site work within 100 feet of a coastal bank to abandon and fill in several existing septic components, install a new septic tank and leach field, remove and reconstruct the existing foundation below the house, renovate and reconstruct portions of the existing house, restore landscaping and perform associated site work.

Reid went over the elements of the plan with the board. The leach field will be placed within the existing driveway using a Presby system. He described it as basically a 12 inch tube used under driveways and on slopes because it does better a better job than an infiltrator system. It does not have enhanced nitrogen removal capabilities. The leach field is just outside the edge of the buffer zone in the front yard, but the over-dig for the geogrid cover will be just within the buffer zone.

The old leaching pits and septic tanks that will be removed are all within existing lawn within the first 50 feet of the buffer zone and therefore, not considered a minor activity under the regulations. The original plan was to leave the tanks in place, but in consideration of possible future erosion of the coastal bank, Reid decided to request approval to remove two of the tanks, fill the holes with clean sand, compact it, and add top soil and seed.

The house will be completely renovated. They plan to lift the house and garage in order to replace the full basement foundation for the house and slab for the garage. The footprint will remain the same. A bobcat will be used to remove the existing foundation. Reid described the process for replacing the foundation walls. As far as Reid knows there is no plan to raise the height of the house.

A new pool situated outside the Commission's jurisdiction has been approved by the Zoning Board of Appeals.

Reid went on to explain that the Board of Health had some concerns about the variances being requested to reduce setbacks. There was also an issue with determining which well on the property actually serves the house. Reid said they discovered that in addition to the old well house there is an abandoned well and the well that actually serves the house is in the south east corner of the lot. Trenching is needed in the

buffer zone to relocate the water line from the well in the front yard. The front yard will serve as the staging area and restored upon completion of the project.

It was noted that this house is a pre-1978 house that has the remains of a wooden bulkhead along the toe of the bank. Reconstruction of the house will not change the status of the property under the Wetlands Protection Act should the bulkhead need to be repaired or replaced.

Commissioner's Comments/ Questions:

Peter proposed that there be a ramp into the foundation hole and that it be located on the inland side of the house. Soils will be removed from the site as they will not be good to use for the back fill.

Mike said he was concerned about digging a new basement.

Tara asked if the lawn extends to the top of the coastal bank. Members who were at the site visit said the top of the bank was well vegetated. There was some discussion about asking for establishment of a buffer strip but it was determined that it wasn't required at this site.

Peter said he is worried about the condition of Boghouse Road. He thinks the road could become an issue if the culvert pipe is broken. Reid said they will check the condition of the culvert. He thought it might be clogged.

Peter suggested that there be a condition in the Order that the road condition be monitored during construction and that prior to the start of any construction the condition of the culvert should be assessed to determine what, if anything, needs to be done. Reid agreed to send the board a letter regarding the condition of the culvert after they assess its condition.

Special conditions include the following:

- The limit of work line will be shifted after the septic system work is done to eliminate activity within 50 feet of the top of the bank. A note will be put on the project plan.
  - A pre -construction site visit is required.
  - Vineyard Land Surveying will submit a report on the condition of the culvert prior to the pre-construction site visit.
  - A final landscape plan will be submitted.
- There was no public comment. The public hearing was closed. A motion was made and seconded to approve the project as presented. All in favor.

**New Business:**

**Climate Change Discussion:** Sue Hruby, chair of the Energy Committee met with the Commission to ask for their support on a non-binding resolution to be presented at all the annual town meetings that would have the Island become 100 % renewal by 2040.

Sue described the non-binding resolution as an aspiration. If passed, the Planning Board would eventually write regulations.

The resolution sets forth the following goals:

- 100% renewable means that the use of fossil fuels (oil and gas) would be reduced by 50 % by the year 2030 from a 2018 baseline and by 100% by 2040. The state has issued a similar regulation, but the rate of reduction is 80% by 2040.
- Increase the fraction of use of electric use that is renewable to 50% by 2030 and 100% by 2040. Foster biosphere carbon capture by adoption of regenerative agriculture and landscaping, protection and expansion of wetlands and preservation of woodland resources.

The Energy Committee is hoping to inspire people to purchase hybrids, and electric cars by helping identify incentive programs that encourage people to buy these cars or to convert their home heating systems. For example, Cape Cod Light Compact has programs to help people with this type of conversion.

The Energy Committee is also working with the West Tisbury Climate Advisory Board to rank the recommended actions set out in the Community Resiliency Workshop findings dated June 30, 2018.

West Tisbury has been designated as a Green Community and the town has received funds that have been used for heating, window replacements for the library, Howes House and the Police Station all in an effort to reduce energy use in town owned buildings.

Sue asked for comments/ questions and the board's support.

Peter said he thought it was a great initiative. Binnie said the Land Bank discusses this issue frequently.

A motion was made and seconded to heartily support the Energy Committee's 100% Renewable MV Community Resolution to be on the annual town meeting warrant in 2020. All in favor.

**Map 11 Lot 46.1/Ghost Island Farm Stand:** A request was submitted by Rusty Gordon of Ghost Island Farm, tenant of Freddie Fisher, owner of Nip & Tuck Farm, for permission to enclose the porch at the farm stand. The board's permission is required under an Agricultural Preservation Restriction dated May 20, 1986 between Fred S. Fisher, Jr., the Commonwealth of Massachusetts acting through the Commissioner of Food and Agriculture, and the Town of West Tisbury acting through the Conservation Commission. A motion was made and seconded to approve this request. All in favor.

**Pond View Farm:** Maria reported that she has asked Bill Wilcox to reach out to Don Liptack about conditions at Pond View Farm. Tara said that based on recent barn inspections done by the Health Agent and Animal Control Officer; there are three farms in the Lambert's Cove area that could use some help with best management practices for keeping farm animals out of wetlands. Maria will discuss what could be done with Omar Johnson and Bill Wilcox.

**Old Business:**

**5:10 PM/ Map 6 Lot 2:** Rattner-Sheriff's Meadow Foundation/Amendment to Conservation Restriction was tabled to a future meeting.

**Map 30 Lot11.1/ 85 Red Pony Road/ White Stone:** No new update is available.

**Well at Deep Bottom:** The email from Donna was read for the record. Donna checked with Peter Rosbeck, the developer of this subdivision. She relayed that he thought they may have placed a monitoring well to the right of the west entrance but he doesn't know if they ever did any testing. Donna is trying to get more information from their current well maintenance person who is checking to see if the

person who was there prior to him, might know something. She suggested that John Powers, retired Board of Health Agent, might know something. Donna also noted that there is a huge population of geese on the south shore that could be contributing to the high nitrogen levels because they are numerous and leave shores, beaches, ponds full of geese droppings. Maria was instructed to ask the MVC if they can enforce the requirement about the well.

**Administrative:**

**Map 3 Lot 91/ Path at Lambert’s Cove Beach:** Maria updated the board on the work done to install the winter fencing. The person who did the work for Park and Recreation did not exactly follow the recommendations of Greg Berman. The board instructed Maria to follow up with Peggy.

As stated in Greg’s December 2, 2019 report the zipper style fencing will help address the accumulation of sand on the path. Greg proposed a project to reconfigure the path at the bottom. He notes in his report that while the use of very heavy equipment is typically discouraged on a dune, there might be a need to do so during the initial grading and moving a volume of sand to create a small dune in the green lined area shown on the plan in his report. It was noted that in order to implement Greg’s plan a new Notice of Intent will be required. The original permit has expired.

**FY2021 Budget and Budget Submission Sheet:** A motion was made and seconded to approve the FY2021 budget and budget submission sheet as submitted to the board. All in favor.

**Correspondence:**

**In:**

- E-mail from Donna re well at Deep Bottom
- E-mails from Bill Wilcox re: White Stone
- Emails from Donna Brouchard/ Deep Bottom well
- Report on path at Lambert’s Cove beach path from Greg Berman, Coastal Processes Specialist, Woods Hole Sea Grant and follow up emails

**Out:** Map 15 Lot 10/60 Indian Hollow Road /SE79-130: Certificate of Compliance for 1996 Order of Conditions

There being no further business to conduct, the meeting adjourned at 6:45 P.M.

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED