

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
December 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, Whit Griswold, Angela Luckey, Peter Rodegast, and Michael Turnell

Absent: Geraldine Brooks and Donna Paulnock

Staff Present: Maria McFarland

Also present for all or part of the meeting: Michael Barclay, Steven Carr, Louise Elving, Elaine Florio, David Lewis, Will McKinney, Deana McDermott, Max Moore, Sandy Moore, Felicity Russell, Christine Robins, Rick Serpa, and George Sourati

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

Minutes: The minutes of the November 22, 2022 meeting were tabled to the next meeting.

Public Hearing:

Map 39 Lots 7 & 8/ SE79- 446: 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 Sourati Engineering Group, LLC, for a project at **216 Middle Point Road** owned by Middle Point Bend, LLC. The project consists of the construction of a garage and additional outside decking, installation of a 14.5' x 52' swimming pool, bulkhead, generator, and to perform associated site work within the first 50' of the Buffer Zone to Land Subject to Coastal Storm Flowage, and to add an additional 1,701sq. ft of parking partially located within the flood zone below flood elevation 10.

Whit read the hearing notice and opened the public hearing.

Previously, the Commission approved the demolition of an existing house and construction of a new approximately 4,627 sq. ft. house, (not including decks), parking area, enhanced septic system and associated site work including abandoning existing driveways within a set limit of work.

George presented the new project which consists of a one-story garage with a "green" roof. The purpose of the green roof is to provide mitigation for removal of vegetation within the flood zone. The garage, pool and spa are above the flood elevation but within the buffer zone to the flood zone. (Total alteration in the buffer zone is 2 662. Sq. ft.). As stated in the hearing notice, there is 1,071 sq. ft of alteration within the flood zone. The garage is 130ft from the top of the bank.

George explained that he previously informed the Commission that the applicant purposely removed the garage from the first Notice of Intent because the applicant was unsure if the garage would trigger the need for a special permit from the Planning Board. According to George, now that the big house bylaw has passed, the entire project, including the approved house, the garage and pool now being applied for does not trigger the big house bylaw.

The lap pool will be located 186 ft. from the top of the coastal bank. When the pond is closed there will be approximately 3.5 feet between the bottom of the pool and ground water. George reviewed the pool section sketch.

The additional parking area is located 107 ft from the top of the coastal bank and the other elements of the project are within the first 50 ft of the Buffer Zone to Land Subject to Coastal Storm Flowage.

At the site visit, George was asked about possible mitigation for the removal of vegetation to create the new driveway and parking area. There is 1,867 sq. ft. of vegetation being removed for placement of the garage, parking

and driveway. As mitigation, the applicant proposes planting 1,881 sq. ft. of plantings behind the camp (in an area that is already lawn.) George called it a one to one swap.

Commissioner's Comments//Questions

Whit asked for clarification that this project remains under the 6,000 square foot cap for a 3.7-acre lot.

Michael Barclay explained that the new bylaw allows for a house of up to 5,175 square feet with a special permit from the Planning Board. The 675 sq. ft garage doesn't count as residential floor area. If the garage came under this bylaw, it would be under the supplemental floor area category.

Peter asked what they plan to use to vegetate the green roof. Michael Barclay answered that it would sedum or other low maintenance, low irrigation plants and would hide the flat roof. George said the vegetation will capture rain water.

Whit asked what about grading for the pool. Michael Barclay replied that there is little excavation required as 60% of the pool will be above grade.

Peter asked about the difference in grade at different sides of the pool. Michael Barclay explained this.

Whit noted that at least half of the garage is outside the current limit of work and that all of the parking area is also outside of it.

Fred asked why the board should allow them to build outside the approved limit of work when the board is charged with protecting this area. George said all of the proposed work is outside the buffer zone to the top of the coastal bank. (The parking area is within Land Subject to Coastal Storm Flowage and within the first 50 feet of the Buffer Zone per the Bylaw.) Fred objected to new work outside the limit of work.

Angela asked about the size of the pool. Michael Barclay told her it is 14.5' x 52' and is the water dimension. It does not include the surrounding structures. It does not. That dimension is the water dimension. There is approximately 8 ft of deck around the pool and an overflow basin. The overdig will be a little larger, but not significant because the pool is not very deep.

Michael asked about materials to be used around the pool. Michael Barclay said there will be decking and some sort of vegetation, but the landscape plan includes mostly huckleberry and a mown area around the house.

Whit said the parking area is a significant factor. Looking from the west, an extension of the overall façade of the structures with an additional 33 feet for the garage presents a huge front to the pond. He asked why the garage wasn't placed at the back of the house where it wouldn't have the same visual impact and where it would be near the already approved parking area. Michael Barclay agreed that two parking areas isn't necessary, but the new one is more accessible to the kitchen. Michael said in order to locate the garage in the back of the house they would need lot line setback relief from the ZBA.

Fred asked how many cars the new parking area can fit. Michael Barclay said the garage is for 3 cars, the parking area in front will hold 2 and the parking area behind the house has space for 5 cars. Peter noted that tis a lot of cars for a 3-bedroom house. George said the purpose of the garage is to be store cars in the off season.

Whit asked if the garage could be shifted to where the septic tanks are currently located. Michael Barclay said he liked that idea, but George would have to sort it out. Michael said he was willing to come back with a tighter garage footprint and a reoriented parking area that would either get it out of the flood zone or minimize the disturbance to that area.

Whit said he appreciated that offer because this proposal is concerning. This is a very fragile landscape so any disturbance has an outsized disproportionate effect than it would in an upland area.

Maria provided one observation on the area of proposed mitigation. The proposed parking area is not that far away from the north end of the coir log/gabion basket array that has experienced significant damage since March. The area behind the camp is probably more stable because of the stone revetment. In addition to the “end effect” from the armored section of the bank, the removal of 1,800 square feet of vegetation has the potential to increase surface runoff toward the bank.

She also noted that historically the pond is allowed to rise to elevation 5.5 before it is opened rather than 4.3 so that is something to consider for the pool. George said that the 5.5 elevation is based on the NGVD benchmark of 1929 and his survey uses NAV 88 which is the benchmark used on the FEMA flood maps. There is about a one-foot difference between the two and that is why the 4.3 elevation is lower. Whit said George’s point was well taken but it reinforces his opinion that the size and scope of construction in this area where the tolerances are so tight that it indicates pushing so hard to get within any established restrictions.

Peter added that it is pretty well proven that sea level is rising and in 10 years all these lines will be inland. He would like to see everything kept within the current limit of work which may mean reducing the size of some of the decks to get the pool and garage in and keeping the parking behind the house instead of near the end of the gabion array that is not doing well.

Peter said the vegetation swap was not quite “apples to apples” as the area behind the camp is already a grassy area being traded for a surfaced parking area with hardener, and while the roof is a green roof it isn’t really providing any mitigation as it will have a rubber roof and will require a lot of irrigation.

Public Comment:

Felicity Russell spoke against the project because of impacts to wildlife and wildlife habitat. She asked how the pool water will be treated and drained and if the pool will be filled from the pond or Middle Cove. George explained that the pool will have an automatic pool cover so the pool will only be lowered an inch or so in the off season. It is standard that water for the pool is drawn from the domestic water supply. The pool will have a salt water treatment system with an overflow surge tank. It also has a standpipe for fire protection which is standard. Felicity also commented on the visual impact of the house.

Sandy Moore spoke in opposition to the project and asked why the pool and garage were not part of the original proposal.

Louise Elving recommended moving the pool to the back side of the house. In her opinion, as an urban planner, she does not think that a green roof mitigates the impact the garage will have on the view. She also said that the proposed mitigation area behind the camp on lot 7 which is currently grass is not very good compensation for the loss of woody vegetation to be removed to accommodate the garage and parking area. She noted that there is no proposal to screen the pool. She recommended the pool be moved to the back of the house. She also asked about stairs to the roof so the vegetation can be maintained.

Steve Carr said that the green roof will not mitigate the view of the garage from the pond. It will also not provide mitigation because it will be planted with a low-profile plant rather than shrubbery.

Max Moore, the immediate abutter to the north, commented that the approved house is 135ft long that will add 33 ft to the overall length. The new house is already pushing the limit of what the new bylaw allows. He questioned why the pool and garage were not part of the original plan and he asked if some of the square footage of the house could be converted to garage.

Sandy Moore said he agreed with Max Moore’s comments.

Felicity asked if the Commission is concerned with wildlife habitat. Maria noted that the bulk of this project technically does not fall within what is called either Estimated or Priority Habitat. The project has been reviewed by the Natural Heritage and Endangered Species. Typically, the Commission takes its cues on impacts to wildlife habitat from the NHESP comment letter. There is a limit to what the board can say because they are technically out of the protected habitat area.

Written public comment letters noted for the record include: Martha Moore dated 12/7/22 opposed, Alden Moore dated 12/8/22 opposed, Alley Moore dated 12/10/22 opposed and Louise Elving dated 12/12/22 opposed.

A motion was made by Peter, seconded by Fred, to continue the public hearing on this project to January 10, 2023, at 5:10 PM. Roll Call Vote: Angela -aye, Fred- aye, Michael -aye, Peter-aye and Whit -aye.

Administrative:

FY2024 Budget: A motion was made by Peter, seconded by Fred, to approve the FY2024 Budget Submission Narrative and Budget as presented. Roll Call Vote: Angela -aye, Fred- aye, Michael-aye, Peter-aye and Whit- aye.

Map 3 Lot 81 Duarte’s Pond Road, Ben Chase Road / SE79-261/ 100 Lambert’s Cove Road/Certificate of Compliance/ trails and boardwalks: A motion was made by Peter, seconded by Angela to approve this Certificate of Compliance. Roll Call Vote: Angela -aye, Fred- aye, Michael -aye, Peter-aye and Whit -aye.

Map 5 Lot 2.3/SE79-299/ 207 Obed Daggett Road/ Certificate of Compliance/Septic System. A motion was made by peter seconded by Michael to approve this Certificate Compliance. Roll Call Vote: Angela -aye, Fred- aye, Michael -aye, Peter-aye and Whit -aye.

There being no new business to discuss, the meeting adjourned at 6:45 PM.

Respectfully Submitted,

Maria McFarland
Board Administrator
APPROVED
JANUARY 10,2023