

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
February 19, 2019

Present: Prudy Burt, Whit Griswold, Peter Rodegast, Michael Turnell, and Tara Whiting-Wells

Absent: John Brannen and Binnie Ravitch

Staff Present: Maria McFarland

Also present for all or part of the meeting: Geraldine Brooks, Kristen Geagan, Deb Hancock, Josh Scott, and Michael Tomkins

The meeting was called to order at 5:05 P.M. Tara Whiting-Wells, Chairman presiding.

The minutes of the January 22 meeting were approved as revised. All in favor.

The minutes of the December 12 meeting were approved as revised. Tara abstained.

Public Hearings:

Map 35 Lot 6.15/SE79-390: Continued 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 Jon McNeill for a project at 160 Plum Bush Point Road owned by Philip W. Spalding, Trustee of Spalding Investment Realty Trust. The project consists of landscaping and creation of view channels within the Buffer Zone accessory to a new single family dwelling to be constructed outside the Buffer Zone, construction of a 34' raised boardwalk through a Bordering Vegetated Wetland and an 80' long seasonal pier with fixed pilings and seasonal ramp and float. [The boardwalk and dock have been withdrawn from the application.]

Mike Tompkins of Vineyard Land Surveying & Engineering was present for the applicant.

The board essentially finished reviewing this project at the last meeting on January 22, but the hearing was kept open to receive the comment letter from the Natural Heritage and Endangered Species Program (NHESP). The NHESP letter dated February 12 was noted for the record and discussed. NHESP has approved the clearing of a 2.6 development envelope on this 6.4 acre parcel. Under the Wetlands Protection Act, NHESP determined that the project will not adversely affect the actual resource area habitat of state protected rare wildlife species, but does require conditions to be placed on the project to avoid a "Take" under the Massachusetts Endangered Species Act. The conditions with respect to Priority Habitat include recording the letter at the Dukes County Registry of Deeds and setting permanent NHESP boundary markers along the areas approved to be altered. It was noted that NHESP has approved the location and alteration within the proposed view channels.

Tara recapped the work to be approved for this permit. A lawn may be created around the house and work to create a meadow will initially consist of mowing the understory and tagging trees that applicant would like to remove or prune. To start, only the only trees within the footprint of the house and the lawn area will be removed. Any trees on the border of the lawn/ meadow area that are in the way of the house construction may be removed after an administrative review. Where the meadow and the proposed view channels overlap, the meadow may be mowed. No tree work will be approved in the meadow area or within the view channels shown on the project plan is permitted until the house is substantially complete and a landscape plan has been reviewed and approved by the Commission.

The notes on the project plan will be either revised to indicate that no tree clearing or pruning work within the view channel will be approved until the house is up and windows and doors are in their final location.

The public hearing was closed. There was no public comment.

A motion was made and seconded to approve the project as revised. The vote on the motion was 4-1. Prudy voted no. Michael was not eligible to vote on this project.

Prudy stepped away from the table at this point in the meeting.

Map 12 Lot 13/ SE79-396: 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 Berry Indian Hill LLC for a project located at 371 Indian Hill Road. The project consists of clearing saplings, brushing cutting and seeding to re-establish a pasture area in the buffer zone to an isolated wetland.

Peter stated for the record that he is a member of the Board of Directors for Sheriff's Meadow Foundation. The Foundation holds a conservation restriction on this property.

Josh Scott presented the project. All the mature trees will remain. Small saplings and invasive privet will be removed. The applicant plans to restack the stone walls within the Buffer Zone excluding the section within the Resource Area. Repairing stone walls is an exempt activity under the Wetlands Protection Act and Bylaw but not for work on the stone wall in a Resource Area.

In accordance with the Bylaw, the No-Disturbance Zone will be fenced off and no clearing will be done in this area. Josh described the fencing that will serve to keep livestock away from the wetland and to permanently delineate the No-Disturbance Zone. A description of the fencing will be added to the project plan as a note. A gate will be installed at the entrance. The grass seed will be a pasture mix that includes rye, fescue, orchard grass, and white clover. The seed will be allowed to establish before livestock is introduced. Livestock, mostly sheep, will be brought on site to graze twice a year.

Public Comment: Kristen Geagan of Sheriff's Meadow Foundation asked about the board's jurisdiction in reviewing this project, and if isolated wetlands have buffer zones. Maria replied that under the Wetlands Protection Act, Isolated Land Subject to Flooding does not have a Buffer Zone. Under the Bylaw, the land within 100 feet of Isolated Land Subject to Flooding does have a Buffer Zone.

The May 11, 2018 letter from Sheriff's Meadow in favor of the project was read for the record.

The public hearing was closed. A motion was made and seconded approve the project as presented. All in favor.

Map 5 Lot 3/SE79-397: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 Sheriff's Meadow Foundation for a project located at 175 Obed Daggett Road. The project consists of the establishment of a 30" wide, 3,648 linear feet long public trail and 16' long foot bridge within a the buffer zone to a bordering vegetated wetland and riverfront area. A waiver request was submitted for work in the first 50 feet of the Buffer Zone for the boardwalk. Kristen also reviewed the alternatives analysis submitted with the Notice of Intent that is required for work in the Riverfront Area.

Peter again disclosed his relationship with Sheriff's Meadow Foundation.

Kristen presented the project. The trails are exempt under 310 CMR 10.02.2(b) 2 a, provided they are less than 3 feet for public access trails on conservation land under. Installation of new trails is not exempt

under the Bylaw. All trails will be located more than 25 feet away from the Resource Areas to the extent practicable. The only area where this is not possible is where the boardwalk will be located.

The footbridge will be made out of 16 foot locust logs that will sit on the ground. The full description was read for the record. The boardwalk will extend beyond the bank on both sides of the brook. There will be no disturbance to the stream bank when setting the boardwalk. Kristen said she wasn't that familiar with this site so she couldn't really say if the brook overflows the bank on a regular basis, but there is no evidence of this.

The work will be done this spring but it was suggested the work be done at a dry time if possible. All work will be done by hand. The trail will be mowed as needed. Logs for the boardwalk will be hand carried to the site.

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.

Prudy rejoined the meeting at this point.

Old Business:

Map 25 Lot 1.1/MVAS/ APR: Tara and Prudy updated the board on where matters stand on approval of the events for the Ag Society for 2019 that are permissible under the Agricultural Preservation Restriction. The board will review and approve the list of events when it is finalized. No action was taken.

Administrative

New Member: Members met with Geraldine Brooks to discuss her interest in joining the board as a full member to fill the seat being vacated by Prudy. Tara read Geraldine's letter of interest for the record. After discussion, a motion was made and seconded to send a letter of recommendation to the Board of Selectmen. All in favor.

View Channel/Vista Pruning regulation: Whit put forth a proposal to come up with a formula to determine how a view channel will be established so that applicants have some guarantee that they will be allowed to have a view to the water. Whit said he would like to have Prudy's reaction on the record. Prudy replied that every project is site specific. Any vista pruning/view channel regulations should include the requirement that no view channels will be approved until the house is up and windows and doors are in the final location. She reiterated that the Board always works with applicants. She suggested the Board look at the draft regulations that Maria obtained from the Oak Bluffs Conservation Commission. She suggested a sub-committee be formed to work on this issue. No action was taken.

Correspondence

In: Letter from Geraldine Brooks
Letter dated February 12, 2019 from NHESP regarding Map 35 Lot 6.15.

Out: Map 3 Lot49/SE79-393/60 Stone Bridge Road/Order of Conditions and Certificate of Compliance for SE79-244
Map 15 Lot 1/SE79-395/Indian Hill Road/Order of Conditions
Map 35 Lot 1.9 /SE79-389 and 394/ 99 Pond View Farm Road/Orders of Conditions
Map 39 Lot 2.1/SE79-392/147 Middle Point Road/Order of Conditions

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

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED