

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
February 9, 2021

Present: John Brannen, Geraldine Brooks, Angela Luckey, and Donna Paulnock
Binnie Ravitch, Peter Rodegast, Michael Turnell, and Tara Whiting-Wells

Absent: Whit Griswold

Staff Present: Maria McFarland

Present for all or part of the meeting: Emile Carter, Geoffrey and Kate Lauprete, Thomas Rainer, Reid Silva and Claudia West

Tara Whiting called the meeting to order at 5:08P.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 January 26 meeting were approved as revised. Roll Call Vote: Binnie, Geraldine, John, Michael, Peter, and Tara in favor.

Continued Public Hearing

Map 23 Lot 3.1.SE79-419: 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 Kate and Geoffrey Lauprete and JMMoulton Realty Trust, (lessee) of property located at 71 Tisbury Lane West owned by Seven Gates Farm Corporation. The project consists of the installation of a 20' x 50' in-ground swimming pool, pergola, retaining wall, relocation of a septic tank and associated site work within the Riverfront Area.

Claudia West took the board through a slide show representing the alternatives analysis required under the state Riverfront Regulations explaining the issues of each alternative location. The analysis showed that the original proposed location remains the one with the fewest potential impacts to the Buffer Zone. A copy of the slide show dated February 9, 2021 is included as part of the public record.

Claudia told the board they have condensed the design to make it compact and they have pushed it as far out of the Buffer Zone as they would like to while keeping some of the features they want. As mitigation for potential impacts, they are proposing a vegetated buffer strip of a width to be determined. Specifically, the pergola has been removed and the pool has been shifted 7' closer to the house. The size of the pool has been reduced by one foot from 20'x50 to 19'x50'. The lawn terrace around the pool has been reduced by 3'.

The entire project is within the second fifty feet of the Buffer Zone to a Bordering Vegetated Wetland (BVW) adjacent to the stream. The distance from the closest corner of the outer retaining wall remains at the 50-foot setback from the BVW. Approximately half of the pool and lawn area around the pool is within the second 50 feet of the first 100 feet of the Riverfront Area.

Additional work in the footprint of the project includes removal of a stand of mature cedars, a small holly tree, an "out of place" Birch tree, and a "volunteer" hickory. The applicant also proposes to remove a few exotic trees and some trees that are storm damaged. Claudia described the lawn as "low quality compacted, non-native turf".

Thomas Rainer reviewed the grading plan. He stated that restoring or replacing many of the existing stonewalls will make the project more compact and will limit the amount of grading required.

Commissioners Comments/ Questions:

Michael asked for clarification on the distance between the house and the pool. Thomas said there would be 12 feet between the house and the retaining wall/planting bed, and 12.5 feet of lawn between the retaining wall/planting bed and the coping around the pool. There is 9 feet of lawn between the pool and the outside retaining wall.

Thomas explained that the distance between the house and the pool has to do with the elevation between the house and the pool location. The drop from the house to the retaining wall varies between a foot and 2 feet. The grade change required pushing the pool further from the house to minimize the amount of fill needed. The planting bed between the house and the pool will also serve to reduce the amount of fill needed.

Tara thanked the applicant for submitting a revised plan. She stated that in order for her to approve a waiver of the performance standards under the bylaw, she would want to see the pool and the surrounding area reduced in size.

Binnie says she thinks it is possible to get the pool out of the first 100 feet of the Riverfront Area.

Michael suggested that the applicant consider the following revisions to the project plan. Taking into consideration the need for the pool to be building code compliant and have a fence around the pool his suggestions include shifting the project closer to the entry court and the house, and reducing the size of the lawn on all four sides of the pool. He stated that he does not think the pool needs to be smaller, but the terrace area does not need to surround the entire pool.

In response to Michael's suggestion to shift the project toward the entry court, Claudia replied that there is a specimen Elm tree in that area that the owner wants to protect.

Thomas noted that the project is already out of the first 50 feet of the Buffer Zone to the BVW, and that, in his opinion; it will not be possible to get the pool entirely outside the first 100 feet out of the Riverfront or the 100-foot Buffer Zone. He asked if the board would approve a waiver if they can get the pool out of the 100 feet of the Riverfront Area.

Geraldine said she would not approve a waiver of the bylaw regulations for the pool to be built in the second 50 feet of the Buffer Zone or within the first 100 feet of the Riverfront Area.

John said he would be more willing to grant a waiver if they come back with a scaled back project.

Tara asked them to define the width of the proposed mitigation buffer strip.

Peter said he agreed with Michael's suggestions and the need for a wider buffer strip and asked if they could pull the outer retaining wall back.

Maria recapped the regulations that apply to this project. Under the state Riverfront Area regulations, the conversion of an existing lawn to an accessory structure such as a pool is permissible provided it is more than 50 feet from the edge of any BVW or the edge of the stream. However, under the local bylaw, any alternation of the first 100 feet of the Riverfront Regulations requires a waiver. She suggested the applicant look at as wide a buffer strip as possible as mitigation for the permanent alteration to the Buffer Zone caused by the pool.

The applicant was asked to put the final proposal on the Vineyard Land Surveying site plan as that is the plan of record.

At the applicant's request, a motion was made and seconded to continue the public hearing to February 23, 2021 at 5:30 PM. Roll Call Vote: Binnie, Geraldine, John, Peter, and Tara in favor. Michael is not eligible to vote on this project.

New Business:

MVC Climate Change Planner: The board met with Liz Durkee, the new MVC Climate Planner. Liz was the Oak Bluffs Conservation Commission administrator/ agent for 26 years. Over the years, she has done a lot of climate change research. She recently accepted this newly created position at the MVC, which will allow her to work on climate change issues full time.

She will be working with island towns on community education, energy efficiency and renewable energy, climate adaptation, human health and safety, and economic issues.

Liz told the board that the MVC Climate Action Task Force has been working on a variety of climate issues including an island wide climate resiliency plan. The task force is looking for funding to begin working on phase 2 of that plan, which will involve community participation and stakeholder engagement. One of her goals is to look at the health of island salt marshes, and to get some funding to do some assessment of migration of salt marshes. She will be working with all relevant town boards and specifically with the energy and climate change committees.

Tara mentioned the survey that the West Tisbury climate action committee circulated in the town census and that is available on the town website.

Michael asked about funding. Liz said they are working on grants. Tara offered letters of support from the board for grant applications. No action was taken.

Lots 71 & 72/56 Lambert's Cove Road: Maria explained that she emailed all of the old permit paperwork, plans, and meeting minutes to Mr. Cottle and invited him to the meeting, but he did not respond.

Geraldine said the Cottles were very accommodating and seemed willing to do what needs to be done.

Peter stated that the original work was done 30 years ago, some of which has most likely fallen into disrepair. He said the Cottles were told the board would get back to them with a list of items to address. He suggested they have an as-built survey be prepared to see how it compares to the original 1990 project plan, and to make sure that the storm water management system is working properly. An as-built survey will confirm if the asphalt is no closer to the stream than existed in 1990, that the second settling basin is there, and that the fence is in fact 10 feet from the stream.

He would like the tone of the letter to be cooperative and not punitive.

In addition to the fence, the conditions of the 1990 order included cleaning up the bank and brook, and removing product stored in the area next to the brook.

Tara would like to know if the second catch basin was installed. She noted that the wooden fence should extend from building to building. The letter should ask them to clean up the bank and stop plowing snow onto the bank. Materials need to be stored north of the settling basin closest to the stream. Michael

suggested that they could switch the type of materials being stored in this area; stone instead of pressure treated lumber or asphalt shingles.

The letter will ask Mr. Cottle to confirm that he has engaged a surveyor/engineer to do the as built plan no later than March 15. A motion was made by John seconded by Geraldine to send Cottles a letter outlining next steps at the lumberyard. Roll Call Vote: Geraldine, John, Michael, Peter, and Tara in favor. Binnie had left the meeting.

Map 7 Lot 28.2 /41 Cottle Lane/Johnson: Maria said she has looked at the Board of Health files on this property, Google Earth images of the property dating back to 1995, and the wetland overlay on the town GIS website for this property. There is not enough information to determine if there is a wetland on this property or when the driveway may have been extended. No action will be taken at this time.

Old Business

Map 7 Lot 28.1/40 Cottle Lane: A letter will be sent to Alan Cottle to thank him for moving the shed away from the bank, for moving the large pile of manure away from the brook and adding a fence in the pasture and suggesting that the fence be pulled back further. The letter will also suggest that Mr. Cottle consider contacting the USDA Natural Resource Conservation Services Technical Assistance program for guidance on how further improve site conditions. A brochure on the program will be included in the letter. [A vote was not taken on sending this letter.]

Administrative:

Joint Committee meeting letter Tabled to the February 23

Correspondence:

In:

In: Map 3 Lots 4, 5 & 6/56, 62 & 63 Boghouse Way/ Notice of Intent/replace failed well

There being no further business to conduct, the meeting adjourned at 6:37 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED
FEBRUARY 23, 2021