

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
March 22, 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, Geraldine Brooks, Whit Griswold, and Angela Luckey, Peter Rodegast, and Michael Turnell

Absent: Donna Paulnock

Staff Present: Maria McFarland

Also present for all or part of the meeting: Michael Barclay, Stephen Carr, Margaret Curtin, Louise Elving, Elaine Florio, Anton Glenn Gissler, Doug Hoehn, Jae Young Jo, Joel Kirshbaum, Eliza Lewis, Taylor Maddry, Alden Moore, Alley Moore, Alex Moore, Mary Moore, Max Moore, Paddy Moore, Natalie and Ray Muldaur, Christina Robins, Felicity Russell, Mazen Sakr, Rick Serpa, Scott Stearns, George Sourati, Joe Wahler, Nick Winton, and Peter Zera

Whit Griswold called the meeting to order at 5:06 PM.

Continued Public Hearings:

Map 39 Lots 7 & 8 /SE79-435: 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, for a project to demolish an existing single-family dwelling and construct a new single-family dwelling, construct two new driveways, abandon 3 sections of existing driveway, and remove two sheds. The work is within the Buffer Zones to the top of a coastal bank and Land Subject to Coastal Storm Flowage Including 70 feet of new structure within the Flood Zone adjacent to Middle Cove on Tisbury Great Pond. **The project location is 208 & 216 Middle Point Road owned by Middle Point Bend, LLC.**

George went over the following project changes:

- The house, parking area and septic system are now located outside the 100' setback from the top of the Coastal Bank along Tisbury Great Pond, outside the 100' setback from the edge of the wetlands along Middle Cove and outside the 100 -year flood zone. The revised proposal (house, parking area, septic system) is located 150'± from the top of the Coastal Bank at Tisbury Great Pond and 153'± and 127'± from the edge of the wetlands at Middle Cove.
- A shed located below the 100- year flood elevation will be removed.
- The leaching pit also below the 100- year flood elevation will be pumped dry, crushed, backfilled with clean sand and abandoned.
- The living area (including the outside walls) is reduced from 6,300 to 4,930± s.f.
- The septic system remains for 3 bedrooms; however, enhanced treatment is proposed in order to reduce the amount of nitrogen release.
- The parking lot has been reduced in size to accommodate four cars.
- The main driveway leading to the abutting lots located at 226 & 234 Middle Point Road will not be relocated.
- No new driveways are proposed within 25' and 50' from the top of the Coastal Bank. The driveway leading to the camp that is located within 25' and 50' of the top of the Coastal Bank

will be abandoned and planted with native plantings and restored to its original state. One existing driveway, partially within 100' of the top of the Coastal Bank will be abandoned and planted with native plantings. A third driveway located outside the 100' setback from the top of the Coastal Bank and outside the 100-year flood zone will be abandoned and planted with native plantings.

- 703± s.f. of driveway within 100' of the top of the Coastal Bank is proposed to access the parking area .
- A 5' foot walking path from the new house to the camp.
- The limit of work area has been substantially reduced.
- The first-floor elevation of the proposed house is at 12.25, the 100-year flood is at elevation 10.
- The foundation of the house will be a crawl space foundation equipped with FEMA compliant flood vents even though FEMA and the State Building Code does not require them.
- No regrading of the site is proposed.
- Letter from NHESP dated February 25, 2022: Project will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species and will not result in a prohibit "Take" under MESA.
- Wood decking and concrete terraces : reduced to 4,200 sq. ft. All decking and terraces will be built on piers They are looking at placing a FEMA compliant crawl space under the covered terrace. Within the 4,200sq. ft. there is 1,079 sq. ft of wood decking and 2, 375 sq. ft of stone terrace.

The above changes are shown on the following plans:

- Site Plan revised to 3/22/22
- Areas Sketch (buffer zone, within 100' of a coastal bank & wetlands)
- Areas Sketch (within 100' of a coastal beach)
- Areas Sketch (within 100-year flood area)
- Limit of Work and Parking During House Construction Sketch
- Architect's plans First Floor (A1) and Elevations (A2) plans.

Commissioner's Comments/Questions

Board members thanked the applicant for reducing the scale of the house and scope of the project, however the size of the outdoor living spaces, and the materials for same, raised questions on the need for over 4,200 square feet of decking and terraces.

Peter said it is still a big project with almost 9,000 sq. ft. of footprint with the potential to have a high impact. George replied that this house is modeled on the proposed town bylaw that would restrict house sizes. Based on the proposed guidelines, this house would be in compliance but would require a special permit from the Planning Board.

After discussion, the members did not think it was necessary for the crawl space under the covered terrace to have a FEMA compliant foundation.

Geraldine requested that other than the covered stone terrace the remaining stone terraces be changed to wood decking and to reduce the overall size of the hardscape. The applicant agreed.

Geraldine also asked about outdoor lighting. Michael has a landscape lighting plan that will comply with the all regulations. prepared buy has not submitted it because it needs to be amended to the smaller house plan. George said the applicant wants to keep the site as organic as possible and that no lawn is proposed.

The construction sequence was discussed. The new driveway to the parking area will be constructed before any building activity occurs. The plant/ root mat will be taken up and transplanted to the driveway on lot 7. George confirmed that there will be no staging on lot 7. Should 11 parking spaces not be sufficient, there is parking on an inland lot owned by the applicant.

Michael pointed out the area where the leach field will go is the area proposed for the construction parking. The leach field will be the last element of the project to be installed.

After discussion, the applicant agreed to change all of the outside spaces to wood decks supported on piers, except for the porch that remains as a stone terrace.

Geraldine asked about the septic upgrade for the camp. George said the current system does not meet code. The camp will be connected to the new system. There will be trenching required to connect the camp to the new system.

Public Comment: One additional letter from Louise Elving and Stephen Carr dated February 23, 2022 dated in opposition to the project was noted for the record.

- Alexander Moore asked about the setback of the leach field to the property line which George was able to explain.
- Paddy Moore spoke against the project. Her major concerns are noise and light pollution. Her house uses solar. She recommended referral to the MVC:
- Mary Moore asked about a new cable for internet. George said he wasn't involved in this and suggested that she talk with the Trustees or their neighbors. George offered to meet with her. This issue is outside the Commission's purview.
- Max Moore said the house is still too big. Other large houses that have been built in the area are low profile and not 75% surrounded by water. Also recommends referral to the MVC.

Asked about the leach field being placed within Priority Habitat, George said that NHESP has signed off on the project.

In response to the public comments George said that except for driveway work, the scope of the project has been scaled back so that the project is mostly outside the Buffer Zone to the coastal beach, coastal bank, and bordering vegetated wetlands and salt pond. The primary reason the revised project is reviewable by the Commission board is because the bylaw has a buffer zone to the 100-year storm flood elevation line. An enhanced treatment for the septic system will be an improvement from the current system.

Michael said he was impressed with the restoration job they did with the relocation of the driveway at 234 Middle Point Road.

Angela asked if the board could condition the project to mitigate the impacts of light pollution. Michael suggested the applicant plant some good size junipers for screening to reduce the visual impact from the pond.

Michael asked about requiring the contractor to monitor the condition of Middle Point Road and parking outside the gate that marks the entrance to the applicant's property. Maria replied that there aren't any wetlands along the road except in the area near the gate to the applicant's property. George said there will be no contractor parking outside of the gate to the property.

Discussion on MVC Referral:

Peter said he is reluctant to refer the project. George said his client is not willing to reduce the size of the house any further than what they have presented tonight.

Whit gave the board their options on proceeding: continue the public hearing; vote to refer the project to the MVC or close the hearing and vote on the NOI tonight. Ultimately members agreed that as much as they would like the MVC to look at this project for the overall impacts associated with the scale of the project and potential visual impacts, the board acknowledged the limits of their ability to review this project.

After discussion, the applicant's representatives offered to reduce the size of the decking by 250 square feet and to change all decking to wood with the exception of the covered porch. The plans will be revised accordingly.

In summary the applicant will revise the project plans to reduce the size of the decks by 250+/- square feet to replace the open stone terrace and stairs with wood. The covered terrace will remain stone. It does not have to have a FEMA flood compliant crawl space underneath it. The landscape plan will include the placement of junipers for the purpose of screening the long expanse of the structure from the pond. The foot path will be unpaved and will meander so as to avoid causing surface water runoff toward the top of the coastal bank.

There being no further discussion, the public hearing was closed. A motion was made by Michael, seconded by Fred to approve the project as presented this evening with the condition that the overall size of the decks be reduced by 250+/-sq. ft; the covered terrace will be constructed of a pervious concrete surface and a landscape plan will be submitted showing the location of the juniper trees to be planted for screening of the house from Tisbury Great Pond. Roll Call Vote: Angela – aye, Fred -aye, Geraldine – aye, Michael – aye, Peter - aye and Whit -aye.

New Public Hearing:

Map 43 Lot 9/ SE79-437: a public hearing under the requirements of 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 Schofield, Barbini & Hoehn, Inc., on behalf of S. Fain Hackney, Trustee of Lot 3A West Tisbury Realty Trust, for a project to install a swimming pool, 4-bedroom guest house, landscaping and associated site work within the Buffer Zone to LSCSF. The project location is 111 Little Homer's Pond Road.

Doug Hoehn, the applicant's surveyor presented the project. Also present were the contractor, architect and landscape architect. The property is a 12.3 vacant acre lot. A new 6 bed-room, single- family dwelling garage, terraces and landscaping are outside the Commission's jurisdiction. The initial project proposal submitted placed all of the structures outside the Commission's jurisdiction under the Wetlands Protection Act except for temporary disturbance to the Outer Buffer Zone to a Bordering Vegetated Wetland during construction of the pool and guest house. The elements of the project within the Buffer Zone to LSCSF under the Bylaw are the pool, decks, guest house and landscaping.

At the site visit held on March 16, it was suggested that the applicant look at pulling the pool and guest house outside the Buffer Zone to LSCF to the extent possible. Tonight, Doug presented a revised project plan that places all the proposed alterations including the limit of work at or more than 50' from the inland limit of the FEMA 100-year Zone AE elevation 11. The amount of alteration in the Outer Buffer Zone to LSCSF is less than 12,000 sq. ft. The majority of the alteration is landscaping. The combined

square footage of the pool, decks and guest house within the Commission's jurisdiction is 2,400 square feet (770 sq. ft of decking, 700 sq. ft of pool and 520 sq. ft for the guest house). The remaining sections of the pool, guest house, main house, garage and shed and landscaping is outside the Commission's jurisdiction. The property has a Conservation Management Permit in place. No work is proposed within Priority or Estimated Habitat.

Joe Walker, the landscape architect said the plan is to carefully insert this project into a largely undisturbed setting. They are trying to preserve as much of the vegetation as possible and will revegetate with native plantings. The limit of work will be very tight. The house will be embedded in the wooded area of the lot looking over an expanse of sandplain grasslands. There will be a minimum amount of lawn and disturbed areas will be restored with native vegetation.

Commissioners Comments/Questions

Geraldine asked if they plan to install an enhanced denitrification system. Doug replied that if the Commission would like to see one installed, although not required, it most likely would be acceptable to his client.

Michael asked if moving everything back 50' triggered an elevation change. Doug replied that the ground elevation will be raised. At the highest point within the limit of work is elevation 15. Moving the structures to the east brought it to the highest part of the lot.

Michael asked the landscape architect about roof runoff. He said they are proposing to keep all the storm water on the surface and allow it to infiltrate into the aquifer. They are proposing a small swale to the northwest of the guest house to capture any surface runoff from the proposed lawn area so that water can be captured, cleansed through native vegetation.

Michael then asked about the materials to be used around the pool. Joe replied that the area around the pool will be decks above grade to minimize disturbance and to be pervious.

Geraldine asked about the foundation for the guest house. It is a full basement. She asked what the requirement is for a basement in the Buffer Zone to LSCSF. Maria answered that there is no Building Code requirement for construction outside the Flood Zone. The bylaw has performance standards for work within LSCSF, but none within the Buffer Zone. Joe described the purpose of the swale and how it will work.

Michael asked if there will be a drain around the perimeter of the guest house. Doug answered the foundation has to be designed to be above groundwater and meet the height limit. The basement will not be finished. The mechanicals will be in the basement. An electrical panel 6' 7" clearance. Depth of the pool will be 6ft. It will sit slightly above existing grade so slightly elevated.

Peter asked how they plan to deal with pool water. Joe said there will be drywells uphill with good infiltration for water from the pool. The type of sanitization has yet to be determined. Geraldine asked if they considered a natural pool. Joe said no because he claims they use a lot of energy for filtration.

Michael asked if there is underground irrigation planned. Joe said only temporary irrigation to get plantings established. The lawn will be a drought tolerant turf fescue.

There being no public comment, the public hearing was closed. With agreement from the applicant that they will install an enhanced denitrification septic system, a motion to approve the project has it has been revised was made by Geraldine and seconded by Peter. Standard special conditions will apply with

respect to submittal of a final landscaping plan, pre-construction site visit, and construction sequencing schedule. Roll Call Vote: Angela-aye, Fred -aye, Geraldine -aye, Michael-aye, Peter-aye, and Whit-aye.

Public Meeting:

Map 36 Lot 43: a public meeting under the requirements of G.L. Ch.131 § 40, as amended, and West Tisbury Wetlands Protection Bylaw and regulations, to consider a **Request for Determination of Applicability** filed by Margaret Curtin on behalf of Raymond and Natalie Muldaur for a determination on a project to replace a timber retaining wall with a poured concrete wall and construct three additional decks to an existing single-family dwelling. The work is within the Buffer zone to LSCSF. The project location is 150 Deep Bottom Road.

Margaret Curtin represented the applicant and detailed the scope of the work. Members who missed the site visit were able to view photographs. The work is within the second 50 feet of the buffer zone to LSCSF. The house is set on a knoll and is separated from the wetland areas by an existing road. The new decking will be 18' above grade.

All this work is within existing lawn. Under the WPA, this work is exempt as it is outside the buffer zone to bordering vegetated wetland. Even if it were within the Buffer Zone to BVW, it would be exempt under the state regulations as it is more than 50 feet away, a site visit was conducted and erosion control measures will be put in place to contain any runoff from construction of the new retaining wall. Margaret will have Vineyard Land Surveying revise the plan to show the location of the silt fence.

The public meeting was closed. Peter made a motion, seconded by Angela, to issue a Negative Determination which means the work may proceed without the filing of a Notice of Intent. An Order of Conditions is not required for this project. Roll Call Vote: Fred - aye, Geraldine -aye, Whit-aye, Angela – aye, Peter-aye, and Michael – aye.

Old Business;

Runamuck Farm, Blackwater Brook Farm and Leonard-Peck Farm: No update.

Administrative:

Correspondence:

In: Map 43 Lot 9 – Notice of Intent
Out: Map 39 Lot 9/SE79-431/ Order of Conditions/ Plunge Pool and deck expansion

There being no new business to discuss, the meeting was adjourned at 7:10 PM.

Respectfully Submitted,

Maria McFarland
Board Administrator
APPROVED
MAY 24, 2022