

WEST TISBURY  
CONSERVATION COMMISSION  
MINUTES OF MEETING  
March 26, 2019

**Present:** Geraldine Brooks, Peter Rodegast, Michael Turnell and Tara Whiting-Wells

**Absent:** John Brannen, Whit Griswold and Binnie Ravitch

**Staff Present:** Maria McFarland

**Also present for all or part of the meeting:** Brian Athearn, Prudy Burt, Becky Cournoyer, Alan Healy, Kent Healy, Cynthia Mitchell, and Rez Williams

The meeting was called to order at 5:00 P.M. Tara Whiting-Wells, Chairman presiding.

Approval of the minutes of the February 19 and March 12 meetings were tabled to the next meeting.

**Public Hearings:** None

**Old Business:**

Water Withdrawal Bylaw/Follow up discussion

At the request of the Board of Selectmen, the Commission met today to consider proposing language to amend the warrant article at town meeting that would either provide amnesty or place a moratorium on the effective date of the bylaw if it passes.

Tara said she wasn't in favor of a moratorium or amnesty. She would rather withdraw the article.

Brian Athearn said he thinks the bylaw is a good idea, but the Commission could have reached out to the farmers instead of proposing a bylaw. He would be amenable to putting a flow monitor at his property if the Town provided one to him.

Prudy Burt said there is data from the Mill Brook Watershed Study regarding water flow in Mill Brook between Priester's Pond and Mill Pond. She explained that the data collected during the watershed study showed a 40% drop in water flow between these two locations at certain times of the year. In 2018, at Prudy's request, Michelle Craddock of the Division of Ecological Restoration reviewed the flow data provided by Carl Neilson of ESS (the Watershed Study consultant) for 2015-2016 and provided a memo on this data. The board has never seen this memo. Prudy was asked to submit it for the record.

Kent said it was his opinion that the 40% reduction is based on inaccurate measurements done by Carl Neilson. Prudy disputed this and cited the methodology used.

Kent added that he agreed with the concept of having some regulation on withdrawal, but there needs to be some basis in order to determine how much water a farmer needs to withdraw.

Tara replied that farmers have an option to install an irrigation well with funding from NRCS.

Rez Williams said he thought the bylaw was a great idea. He asked how the board plans to enforce the bylaw if it passes. Tara replied that regulations will be adopted if the bylaw is approved at Town Meeting.

Prudy submitted an e-mail exchange she has had with Simon Athearn of Morning Glory Farm regarding the farm's water use in 2015 on fields located on property owned by Sheriff's Meadow Foundation.

Becky Cournoyer said she would also be willing to put a flow monitor in the brook at her property. She asked why the proposed bylaw includes all surface waters in town. Tara explained that the bylaw covers all surface water in West Tisbury.

Cindy Mitchell asked when the rules and regulations would be adopted and what a permit would be based on. Cindy went on to suggest that the bylaw needs a little more structure so that people will have some idea how the process will work.

Peter suggested that people could submit an application to pump so many gallons per day during a drought. That way, the board will know who is withdrawing water and by what means.

Cindy followed up by stating that it sounds like the board's intent is to permit water withdrawals if they are reasonable.

Alan Healy asked what other towns are doing. Tara explained that this proposed bylaw was modeled after those approved by the towns of Lancaster and Rochester. Maria added that most water withdrawal bylaws deal with withdrawals from public water supplies.

Becky noted that withdrawals for agriculture are exempt under the Lancaster bylaw. Cindy suggested that paragraph B of the bylaw be amended by adding a sentence that reads something to the effect that permits will be granted based on water flow measurements taken at the time of application.

There was a lengthy discussion about how to measure water flow, what the approved methodology is and who would be responsible for taking the measurements to be submitted with an application. This issue was not resolved.

A motion was made and seconded to ask Town Counsel to advise whether the board can propose an amendment to the water withdrawal bylaw to the effect that permits may be granted based on flow measurements at the time of the application and the amount of water to be withdrawn. All in favor.

#### **New Business:**

**Map 25 Lot 1.1/MVAS/ APR:** In their capacity as co-holder of the Agricultural Preservation Restriction with Vineyard Conservation Society a motion was made and seconded to approve a

fundraiser to benefit Flat Point Farm to raise money so they can rebuild after a devastating fire.  
All in favor.

### **Administrative**

#### Correspondence

**In:** Notice of Intent/ Map 3 Lot 85.4/pool  
Map 12 Lot 72 and 72.1/Obed Daggett Road/Request for Certificate of Compliance

**Out:** Letter re: approval of MVAS 2019 event list  
Letter to new owners of Red Pony Farm re: manure pile

There being no further business to conduct, the meeting adjourned at 6:30 P.M.

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED