

,WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
March 8, 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,

Staff Present: Maria McFarland

Absent: Donna Paulnock, Peter Rodegast, and Michael Turnell

Also present for all or part of the meeting: Jill Meredith Alman-Bernstein, Chris Dunn, Nancy Go, Kris Horiuchi Rae Ann Mandell, James Moffett, Lil Province, Reid Silva, Tracey Smith, George Sourati, and James Wynn

Whit Griswold called the meeting to order at 5:18 PM.

Continued Public Hearings:

Map 1 Lot 15/SE79-430: 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 Jill Meredith Alman-Bernstein, Trustee of the 17 Chowder Kettle Lane Realty Trust, for a project to install a 16'x38' swimming pool, 7'x7' spa, pool equipment, pool fence and perform associated site work within the Buffer Zone to Isolated Land Subject to Flooding. The project location is 101 Capawock Road.

Tracey Smith and Lil Province presented the project. Jill Alman-Bernstein, the property owner was also present. This public hearing was originally opened on January 11 and continued without testimony until this meeting.

At the site visit on January 5, Commissioners viewed unauthorized brush cutting up to the edge of the wetland and throughout the Buffer Zone. The proposed pool was originally set 63' from the edge of the resource area. Based on comments at the site visit, a revised plan was submitted showing the pool set 78' from the edge of the wetland and 68' from the coping (patio). The pool fence is set 37' from the edge of the wetland and 12' from the edge of the 25' No-Disturbance Zone. Tracey said minimal grading is necessary. The pool is located on the flattest part of the property.

Commissioner's Comments/ Questions:

The discussion focused on the placement of the pool fence and mowing of the Buffer Zone. The applicant would like to have as much space for a yard as possible. Geraldine said she thought the pool fence would create a barrier to wildlife passage. There is a 37' wide corridor between the wetland and the fence so the fence should not be a barrier. If moved closer to the pool, the yard will be bisected.

No mowing will be permitted within the No-Disturbance Zone. This will be an ongoing condition of the permit. It was determined that the area within the pool fence may continue to be mowed but the remainder of the Buffer Zone outside the pool fence will be monitored for two growing seasons and reevaluated after a site visit with the Commission.

The public hearing was closed. Geraldine made a motion, seconded by Angela, to approve the project as presented with the conditions that no mowing take place within the No-Disturbance Zone permanently, and that no mowing will take place for two growing seasons in the remaining 75' of the Buffer Zone with a site visit to be conducted at that time. Roll Call Vote: Angela- aye, Fred-aye, Geraldine -aye and Whit-aye.

Map 1 & 3 Lots 56 & 19 /SE79-432: 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 construct a new path for access to a set of new stairs to the Makonikey common beach to replace the set of stairs that were damaged due to coastal bank erosion. The project location is the common beach at Makonikey and 146 Capawock owned by the Makonikey Roads & Beach Trust.

The hearing was continued to this evening to allow time for members to view a set of Sebago Dock stairs in Menemsha, and for Greg Berman, Coastal Processes Specialist at the Woods Hole Sea Grant, to view the site and provide a report with recommendations on the project.

The site visit took place on March 11 with Steve McKenna of Coastal Zone Management and Greg Berman. Members have reviewed Greg Berman's report. George summarized Greg's finding. The area doesn't appear to be entirely stable, but is likely the most stable area on the property. The adjustable stair system appears to be designed to have minimal impact to the coastal bank and vegetation. The coastal bank does not appear to be impacted by surface water runoff, but may have been impacted by ground water seepage. Greg recommended that the platform at the top of the stairs at the top of the coastal bank be elevated to avoid damage to vegetation and surface runoff issues. He also recommended a well-designed monitoring and maintenance plan be put in place so that the area leading to and under the stairs will be examined periodically after installation.

Commissioner's Comments/ Questions:

Geraldine said she thought it was a well thought out engineering solution and that if monitored, small adjustments could be made that could save another catastrophic collapse. James Wynn of Sebago Docks responded that they do monitor the stairs but the frequency depends on the location. He doesn't see the stairs as being vulnerable. He comes to the island a couple of times a year so they can check to be sure. there is no displacement of the stairs. His company doesn't do a written contract for monitoring.

Rae Ann said the Trust does plan to have Sebago Dock Company monitor the stairs. The company monitors the stairs but not the condition of the coastal bank. James said he would agree to monitor the stairs once a year.

In response to Greg's recommendation, Whit said the platform should be higher. The platform will be a minimum of 18" off the ground.

Angela asked for more details on the ramp. The ramp and 10'x 12' platform will be accessed via a 5' wide path from the parking lot. Stairs are not recommended as they are hard to keep level and are a tripping hazard.

The stairs to the beach will sit 18" off the face of the bank which will allow sand to move under the stairs, vegetation to grow and light penetration.

Fred asked about removal of the old stairs. The plan has a note on it that the old stairs will be removed.

Maria said one concern Greg expressed at the site visit but did not note in his report is that there should be minimal removal of vegetation on the top of the bank to be certain the space isn't opened too much to discourage congregation at the top of the bank around the stairs.

Maria asked how the stairs are anchored on the beach. James said they are hoping the bottom step will land right on the beach. There is no plan to remove the bottom section in the off season. The high tide level will not reach the bottom of the stairs. A storm tide might reach the stairs but not an average tide.

The public hearing was closed.

Geraldine made a motion, seconded by Fred, to approve this Notice of Intent with the condition that the stairs be monitored annually. Old stairs will be removed by hand. Staging for the installation will be in the existing parking only handheld power tools will be used on the face of the coastal bank. Roll Call Vote: Angela- aye, Fred-aye, Geraldine -aye and Whit-aye.

New Public Hearing

Map 43 Lot 1/SE79-433: 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 Nancy Go and Lobster Coop LLC for a project to demolish and remove an existing single-family dwelling and to construct a new dwelling, garage, pool and perform associated site work and landscaping within the Buffer Zones to a Bordering Vegetated Wetland and Land Subject to Coastal Storm Flowage (LSCSF) along Watcha Pond. The project location being a subdivision of Map 43 Lot 1 is known as 98 Watcha Club Road.

Reid Silva and Kris Horiuchi presented the project. Map 43 Lot 1 was purchased by two sisters and subdivided to make two separate lots. The board approved the Cheng project at 100 Watcha Club Road earlier this year.

The existing cleared area will house the garage, pool, porch pavilion and pergola. The new house is proposed to be place within a currently wooded area and partially within Priority Habitat. The size of the proposed one-story house is 3, 987 square feet and sits 93' from the edge of the wetland. The east side of the proposed house the would sit within Priority Habitat which would have to be cleared. The landscape plan shows a conversion of approximately 1,000 to meadow consisting of little bluestem and sheep fescue. Total permanent disturbance within Priority Habitat (not including the view channels) is 4, 190 square feet. The current site plan shows no alteration in Estimated Habitat.

Reid told the board that the layout of the structures was designed to place the structures as far out of the Buffer Zone to LSCSF as possible, while keeping construction outside the Buffer Zone to the coastal bank . They placed the house closer to the wetland edge in order to stay 50 ft. above the flood elevation.

View Channels/ Landscaping/ Estimated Habitat and Priority Habitat:

The NOI was submitted before the landscape plan was developed which includes two view channels that are within Estimated (WPA) and Priority Habitat (MESA). The legend on the Vineyard Land Surveying Plan showing the total square footage of disturbance within Priority Habitat did not take into account the clearing for the view channels.

One view channel is toward the inland wetland .The view channels are within wooded areas that will require removal of vegetation within the flood zone. The NOI will be revised and submitted to NHESP. The landscape plan shows the view channel clearing ends at the No-Disturbance setback.

Septic system: The leach field meets Board of Health setbacks. It is within the Buffer Zone to LSCSF but Reid feels that since everything is subsurface there would be no impacts from storm damage or surface water runoff. He suggested the leach field could be moved out near the road. [Note: Leach fields are allowed within LSCF under the Bylaw provided they meet the Performance Standards.]

Other elements of the landscape plan show the parking area, walkways, terraces, a 15'x 42' pool with spa. Within existing cleared area lawn moving toward the south is more designed garden areas, all disturbed areas will be restored with native vegetation meadows.

Commissioners Comments/Questions

Whit asked about a discrepancy between the two plans showing the location of the house. James Moffett, the architect, explained that the VLS plan shows the porch/ pavilion in white and the landscape plan shows it in grey. Maria noted that the garage is oriented differently on each of the plans and the landscape plans shows a 390 square foot detached bedroom. The landscape plan is more updated.

Geraldine said the proposal seems to fly in the face of what the island is trying to do in terms of climate change and resiliency. This project takes away wooded vegetation that slows down storm waters.

It was suggested that the applicant consider tightening up the lay out and letting the existing landscape, be the landscape. Angela concurred. The size of the covered porch could be reduced to move the house out of the wooded area.

Comparison to the Cheng project: In Reid's opinion, the proposed disturbance on this lot isn't any greater than Cheng. Kris described what changes were made to Cheng at the request of the Commission That required a fair amount of shifting of the design. All of the structures were outside the wetland buffer. All of the disturbance, grading and construction access outside the buffer to the flood zone.

Angela said she is more concerned with the proposed disturbance to the woodland and buffer to the top of the coastal bank than the proposed disturbance within the buffer to LSCSF. She noted that on the Cheng property, most of the disturbance, such as the view channel already exists. She objects to the proposal and suggested that the proposed house be placed closer to the already landscaped area and foot print of existing house than clear woodland areas.

Geraldine said this project will disturb Priority Habitat. A resilient landscape is more wooded. The proposal to remove established woodland is not in the interests of resiliency.

Whit said he is concerned with overall impacts even if they aren't necessarily within the board's jurisdiction. In his opinion, this project pushes the boundaries in every direction.

Reid spoke at length regarding the impacts of this project to storm damage and flood control in the context of the historical data used by FEMA to determine flood zones. In his opinion, alterations to the Buffer Zone to LSCF will not have any adverse impacts in the short term

Fred commented that the science shows us that 100-year flood events are happening more often.

Geraldine said that even if you don't take into consideration, work in the Buffer Zone to LSCSF, there is a lot of disturbance to Priority Habitat and to the buffer zone to the top of the coastal bank and inland wetland.

The board reviewed new plans developed under the Massachusetts coastal flood risk mode prepared by Chris Seidel of the MVC. The plans show coastal flood inundation projected out to 2030 and 2050 and Coastal Annual Exceedance Probability for 2030 and 2050. This model is intended to help property owners, planners, and policy makers determine how to effectively build resiliency into a construction project. Coastal Flood exceedance probability is defined the probability of flood waters inundating the land surface at a particular location. The model using the best available science-based data on coastal flooding .

Whit asked the applicant and her representatives if they have heard the board's concerns. Kris said she understands the ongoing discussion about coastal resiliency. James Moffett said they had numerous conversations about how to locate the house appropriately on the site. In order to locate the house out of the buffer zone to LSCF the house was pushed to the east and more into the buffer to the top of the coastal bank and inland wetland. He stated that they can look at the plan to see what changes can be made including shifting the proposed house to the west.

Nancy Go thanked the board for working on this project. She told the board she has no desire to deteriorate the resources. She agreed that they could look at moving the house to the west. Whit replied that the members are volunteers, and try to balance personal feeling and regulatory authority.

A motion was made by Angela, seconded by Fred to continue the public hearing on this application to April 19 at 5:10 PM. A second site visit will be held on April 13. Roll Call Vote: Angela – aye, Fred - aye, Geraldine – aye, and Whit -aye.

Old Business:

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