

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
April 13, 2021

Present: Geraldine Brooks, Whit Griswold, Angela Luckey, Donna Paulnock, Peter Rodegast, Binnie Ravitch and Michael Turnell

Absent: John Brannon

Staff Present: Maria McFarland

Present for all or part of the meeting: Seth Abbott, Chris Alley, Charlotte and Scott Caskey, Joshua Gothard, Lil Province, Kara Shemeth, Tracey Smith, and Mary and Frank Sutula

Whit Griswold called the meeting to order at 5:04 P.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 March 23, 2021 meeting were approved as revised. Roll Call Vote: Donna, Geraldine, Peter, and Whit voted in favor. Binnie abstained.

Public Hearings:

Map 38 Lot 2/WTCC 2021-02: a public hearing under the requirements of the West Tisbury Wetlands Protection Bylaw and regulations to consider on a **Notice of Intent** filed by Schofield, Barbini & Hoehn Inc., for a project to construct a portion of a single-family dwelling in the Outer Buffer Zone of Land Subject to Coastal Storm Flowage. The project location is 65 Jennie Athearn Road owned by Scott and Charlotte Caskey.

Tracey Smith presented the project. A 1,000 square foot section of the north end of the proposed house is in the outer buffer zone to Land Subject to Coastal Storm Flowage (LSCSF). This project is being reviewed under the Town wetlands bylaw only. Under the state regulations LSCSF does not have a buffer zone. The plan shows the 100-year flood zone line at elevation 11. None of the proposed work is within LSCSF or the No-build Zone established under the Bylaw regulations, therefore, a waiver from the buffer zone performance standards is not required.

Charlotte Caskey, the property owner said they have worked to keep everything as low profile as possible and have hired Lil Province as their landscape architect. Lil said she will submit the landscape plan which will use mostly grasses, sedges, and ferns; all deer resistant, native vegetation. Temporary irrigation will be used to get the plants established.

Commissioner's Comments/Questions: There being no substantive questions or comments, Whit closed the public hearing. A motion was made by Peter, seconded by Binnie to approve the project as presented with standard conditions. Roll Call Vote: Binnie-aye, Geraldine-aye, Donna -aye, Peter-aye and Whit-aye.

Michael joined the meeting at this point.

Map 3 Lot 9.13/SE79-423: 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 Schofield, Barbini & Hoehn, Inc. on behalf of Seth Abbott for a project located at 57 Old Lambert's Cove Road. The project consists of the construction of a 16'x18' addition to a single-family dwelling located in the Riverfront.

Kara presented the project for Seth Abbott. The dining room addition is 288 square feet, will sit on a 4' frost wall slab, and have radiant heat. The addition is 149 feet from the stream and 140 feet from the edge of the bordering vegetated wetland adjacent to the stream. There is also a wetland to the south of the house on the opposite side of a dirt road that is 102 feet from the dining room addition.

Commissioners Comments/ Questions:

Geraldine asked if a waiver from the Bylaw performance standards is required. No, because the project is not in the first 100 feet of the Riverfront Area. She also asked about the road runoff observed at the April 7 site visit. Kara submitted pictures to the office today showing the grading work the home owner has done to remedy the runoff. Seth described the steps he took to remedy the situation. The work was done outside the Riverfront Area.

There was no public comment. The public hearing was closed. A motion was made by Michael, seconded by Binnie to approve this project as presented. No pre-construction site visit will be required. Excavated materials will be removed from the site. Roll Call Vote: Donna-aye, Binnie-aye, Geraldine-aye, Michael-aye, Peter -aye and Whit -aye.

New Business: There was no new business this evening.

Old Business:

James Pond/SE79-364/Channel Maintenance/ update: Members discussed the summary of Brad Chase's site visit on March 30, 2021 that he submitted on April 12, and questions posed by Prudy Burt in an email dated April 13. Both are noted for the record.

With respect to the channel maintenance work that exceeded the approved footprint, Brad noted that restoration efforts so far have partially mitigated impacts. He indicated that it is time to hold a discussion after the spring migratory season to consider the results of the last three years and possible adjustment to the management plan objectives and the channel footprint. Members decided to hold off on staking the location of the channel at this time. The estimate from Vineyard Land Surveying was \$400.

With respect to the questions raised in Prudy Burt's email, Maria reported the following:

The project plan called for beach grass in disposal area # 2 which is a dune, not salt marsh. Salt marsh cord grass was planted otherwise. Both were planted in 2018.

With respect to the altered grades, members discussed this with Brad when he was here and he did not see this as an issue. Board members agreed with this assessment.

Since the Land Bank has bought the Peltz and the Mullins properties, Julie Russell, the Land Bank ecologist has agreed to informally monitor the site for invasive species and to help the board ascertain if planting should be done in 2022. The board will continue to monitor the site as will Johnny Hoy, the Herring Warden. The board is following the recommendations of Seth Wilkinson.

This was a pilot project to see if it helps the herring move to fresh water. It was not intended to be a long-term fix to issues of fish passage. The riparian owners have hired the Woods Hole Group who is working with the Buzzard Bay Coalition on a study of James Pond. Once the study is done there will be recommendations on improving water quality in the pond. If the same area is maintained in 2022 it will be staked and monitored while the work is being done. If the location changes, it will require an amendment to the project plan and the Order of Conditions.

Map 3 Lot 2.1 /SE79-328 / Violation of Order/ Request for additional work/update: Members met on site with the Sutulas on April 7. Maria recapped the work that was done. Several trees were topped and there was some minor pruning down to the edge of the wetland.

Geraldine said she understands the Sutulas desire to increase the view but the pruning needs to be done using proper landscaping techniques. The board gave the Sutulas permission to remove one dead branch in a tree that hangs over their path to the beach.

When the work was originally done, work was not done over the entire approved area. Provided there is no substantial new work in the original project area, the board will allow minimal pruning work. The Sutulas will revisit what they would like to do and come back next year following the procedures for long term maintenance spelled out in the Order of Conditions.

A letter will be sent to the landscaper who did the work.

Map 36 Lot 2/200 Deep Bottom Road: A motion was made and seconded to send Mal Jones a reminder that any work on a coastal dune, beach or bank requires a permit from the Commission.

Map 3 Lot 72/Cottles/ Lumberyard: Members reviewed and edited the draft of a response to Janet Johnson's letter dated March 15, 2021. A motion was made and seconded to send this letter.

Map 7 Lot 28.1/Cottles/Blackwater Brook Farm: There has been no response from the owner of the property regarding the letter sent to Alan Cottle. Whit will speak to Alan again.

Map 7 Lot 28.1/ Johnson: The board reviewed and edited a letter to be sent to the Johnsons regarding the driveway that appears to have been constructed in a wetland area. The letter will ask that they have the area in the vicinity of the driveway delineated and a report submitted to the Commission.

Administrative:

Members: Appointment of Vice Chair tabled to the next meeting.

Correspondence:

- In:** Estimate from Vineyard Land Surveying for staking at James Pond
Email from Brad Chase (DMF) dated April 13, 2021:re March 30, 2021 site visit to James Pond
Email from Prudy Burt dated April 13, 2021 re: James Pond
- Out:** Map 7 Lot 69/WT2016-01/Certificate of Compliance and new Order of Conditions (WT2021-1)
Map 35 Lot 6.6/70 Plum Bush Point Road/ Determination of Applicability
Letter to Chilmark ConComm re: Roth Woodlands/SMF/ NOI

There being no further business to conduct, the meeting adjourned at 6:45 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED 4/27/2021