

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
APRIL 19, 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, Angela Luckey, Donna Paulnock, and Michael Turnell

Absent: Peter Rodegast

Staff Present: Maria McFarland

Also present for all or part of the meeting: Chris Dunn, Kristen Geagan, Nancy Tao Go, Kris Horiuchi, James Moffatt, John Previant, Reid Silva and Barbara Smith

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

Minutes: The minutes of the February 22, 2022 meeting were approved as revised. Roll Call Vote: Angela -aye, Donna – aye, Fred – aye, Geraldine – aye, Michael – aye, and Whit – aye.

Continued Public Hearings:

Map 43 Lot 1.2 98 Watcha Club Road/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, construct a new dwelling, garage, and pool, and to perform associated site work and landscaping within the Buffer Zones to Bordering Vegetated Wetlands and Land Subject to Coastal Storm Flowage (LSCSF) along Watcha Pond.

The applicant's representatives presented revised project plans. Kris Horiuchi reviewed a plan showing a side by side comparison of the original project presented on March 8 and the one being presented this evening.

The new house has been pulled to the west removing it from the Buffer Zone and Priority Habitat located on the east side of the new house.

James Moffat the architect, explained that the square footage of the house has been reduced by 15 %. The porches and pavilion were reduced by 25%. The structures have been shifted 28 ft. west and 27 ft. north along the setback line to the north side of the house.

Kris said the revisions are an effort to compress the plan and capture as much of the existing cleared area as they could. The main house is more within the second fifty feet of the buffer zone to LSCSF, but is now entirely outside the Buffer Zone to the top of the coastal bank on the east side of the house.

Commissioners Comments/Questions

Geraldine said they did an excellent job addressing the concerns of the board that were raised at the first hearing. The minimization of disturbance is appreciated.

Angela asked about the seasonal pool pump down. Reid explained that when the pool is covered the weight of leaves and debris can cause the cover to freeze to the pool water. The water level in the pool is pumped down enough to avoid this. Any chlorine in the pool water will be allowed to dissipate and then the water is drained to a subsurface basin consisting of a drywell.

There remained a discrepancy between the project plans as to the extent of the view channels. They clearly fall within Priority Habitat but it is unclear from the plans if they fall within Estimated Habitat. If the view channels fall within Estimated Habitat, the public hearing will need to be continued so that the applicant can send the Notice of Intent to NHESP for review. It was noted that there is an established view channel on the east side of the house.

Because the view channels are still conceptual, the applicant withdrew their request for approval of the view channels under this Notice of Intent. They will file a new Notice of Intent once the house is substantially under construction.

Nancy Go asked what NHESP is reviewing; is it the entire view channel or just the section at the outer end. Reid explained the process of review by NHESP for alterations of Estimated and Priority Habitat. Maria asked about the status of the septic system. Reid replied that they are working on the septic system design. The perc tests were just completed. Maria said the board has been asking applicants to voluntarily install enhanced de-nitrification systems. James explained that there are currently 4 bedrooms in the main house. There will be 3 bedrooms in the new house and one above the garage. Geraldine encouraged the applicant to consider an enhanced system. The Board of Health set back is 200 ft and the leach field will be located 320 ft from a resource area but within the Buffer Zone to the Flood Zone. Nancy said she would research this and tell her sister.

There being no further discussion, the public hearing was closed. A motion was made by Angela, seconded by Fred, to approve the project as revised and presented this evening. Roll Call Vote: Angela – aye, Fred -aye, Geraldine – aye, and Whit -aye.

New Business:

Map 25 Lot 1.1/ Ag Hall/ Farmers Market: The board met with Brendan O'Neill of the Vineyard Conservation Society (VCS) to discuss the Farmer's Market intention to remain at the Ag Hall instead of moving back to the Grange. The use of the Ag Hall for the last two summers was required by the Board of Health to provide social distancing during the COVID pandemic. Brendan and Whit attended a meeting on March 25 with representatives of the Farmers Market, the Ag Society and their attorney Rob McCarron. The upshot of that meeting resulted in a letter dated April 7 from the Ag Society outlining proposed steps to be taken by the Ag Society to mitigate impacts to those portions of this property covered by the Agricultural Preservation Restriction (APR) including the relocation of the parking for the Farmer's market vendors to that area used during the Fair, moving the public parking away from the hay field, and possible construction of a new road. A memo from Attorney Rob McCarron discussed why a Farmers Market is a permissible use under the terms of the APR. The purpose of the discussion this evening is to focus on how to respond to the Ag Society.

Issues Discussed:

- Use of the Grange on Wednesdays or find an alternative location for both days.
- Farmers Market location during Fair Week.
- Timed entry to reduce traffic congestion.
- Sale of items not grown by local farmers such as prepared foods, sundries, soaps, paper, and food trucks.

- Zoning: Commercial use must be limited, directly related to the permitted non-profit purposes and directly related to the non-profit and educational function of MVAS. The ZBA will hold a hearing on May 12. The board may decide to submit a comment letter.

Brendan, Whit and Maria will work on revisions to a joint reply from VCS and the Commission. Letters will be finalized at the May 10 meeting.

Map 26 Lot 12.15/South Pasture Nat's Farm CR /Sheriff's Meadow /Misty Meadows Equine Learning Center Fundraising event: The board met with Kristen Geagan to discuss the request made by Sherriff's Meadow Foundation to host this event on land covered by the Conservation Restriction. The event will be held Monday July 18 as detailed in Adam Moore's April 8, 2022 letter. A motion was made and seconded to approve the request as presented. Roll Call Vote: Angela -aye, Donna – aye, Fred – aye, Geraldine – aye, Michael – aye, and Whit – aye.

MV Land Bank/Draft Management Plan/ James Pond: The Land Bank will hold a public hearing on the draft management plan on May 11 at 5 PM. Much of the proposed work will require approval from this board. No action was taken.

Old Business;

Runamuck Farm, Blackwater Brook Farm and Leonard-Peck Farm: The DEP site visit will be May 12.

Map 7 Lot 170/ Smith- Previant/Request for Modification of Determination of Applicability.

Members met with Sundry and John about their letter dated March 23, 2022 requesting permission to modify the condition regarding complete removal of the new stairs in the winter approved on April 8, 2021. Rather than remove the entire set of stairs, they would like to make the bottom 4 steps removal and leave the rest of the stairs in place.

A motion was made and seconded to approve the request to amend the condition of the determination to read that that the bottom 4 steps are required to be removed for the winter. Roll Call Vote: Angela -aye, Donna – aye, Fred – aye, Geraldine – aye, Michael – aye, and Whit – aye.

Administrative:

Correspondence:

- In: Cottles/ Letter from Attorney Lisa Sherman/ Representative of Elizabeth Cottle Estate Map 1 Lot 50/ SE79-270/ Revetment Monitoring Report dated April 28, 2022
- Out: Map 35 Lot 1.9 /99 Pond View Farm Road/ Certificates of Compliance for SE 79-389 (invasive species management) and SE79-394 (grading and landscaping)

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